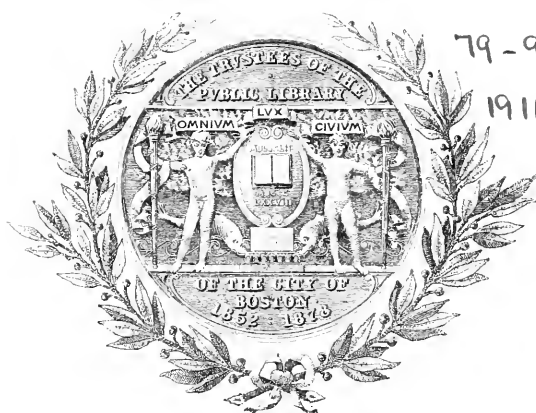


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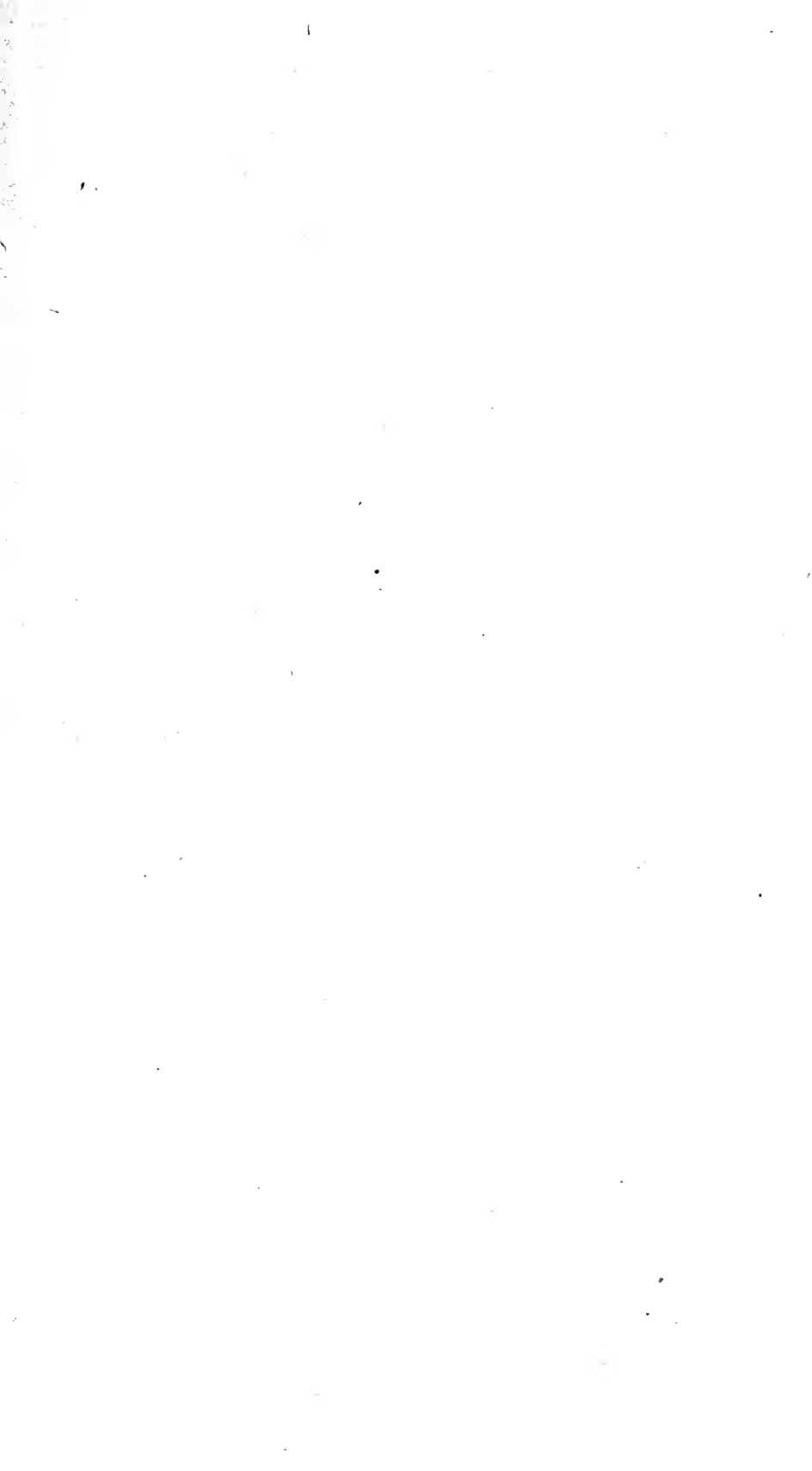


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Commonwealth of Massachusetts.



The Commonwealth of Massachusetts

BUREAU OF STATISTICS

CHARLES F. GETTEMY, Director

Sept. 10, 1912

LABOR BULLETIN No. 92

LABOR LEGISLATION IN MASSACHUSETTS

1912



JUNE, 1912

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1912

MASSACHUSETTS BUREAU OF STATISTICS

Rooms 250-258, State House, Boston

The Bureau is organized into five permanent divisions: 1. The *Administration Division*, charged with duties supervisory in relation to the several divisions; 2. The *Labor Division*, engaged in the collection and tabulation of statistical and other information relating to matters affecting labor and the condition of the working people, as well as questions of general economic and social interest; 3. The *Manufactures Division*, which collects and tabulates Statistics of Manufactures; 4. The *Municipal Division*, which collects and tabulates Statistics of Municipal Finances; 5. The *Free Employment Offices Division*, embracing the administration of the State Free Employment Offices, of which there are three, located respectively at 8 Kneeland Street, Boston; 84 Bridge Street, Springfield; and 41 North Main Street, Fall River. During the period of taking and compiling the Census a sixth, the *Census Division*, is organized.

The functions of the Bureau and the duties of the Director are summarized in Section 1 of Chapter 371 of the Acts of 1909, entitled "An Act to Provide for a Bureau of Statistics," as follows:

SECTION 1. There shall be a Bureau of Statistics, the duties of which shall be to collect, assort, arrange, and publish statistical information relative to the commercial, industrial, social, educational, and sanitary condition of the people, the productive industries of the Commonwealth, and the financial affairs of the cities and towns; to establish and maintain free employment offices as provided for by chapter four hundred and thirty-five of the acts of the year nineteen hundred and six and amendments thereof; and to take the Decennial Census of the Commonwealth required by the Constitution and present the results thereof in such manner as the General Court may determine.

PUBLICATIONS.

This Bureau now issues four separate annual reports relating respectively to:

(a) The Statistics of Labor (Pub. Doc. 15).

Containing statistical and other information relating especially to labor affairs.

(b) The Statistics of Manufactures (Pub. Doc. 36).

Containing statistics of capital invested, materials used, wages paid, value of product, etc.

(c) The Statistics of Municipal Finances (Pub. Doc. 79).

Containing statistics pertaining to the cost of municipal government in Massachusetts, revenue, maintenance, interest payments, and municipal indebtedness.

(d) The State Free Employment Offices (Pub. Doc. 80).

Containing statistical tables and descriptive matter relative to the work of the offices maintained under the jurisdiction of this Bureau in Boston, Springfield, and Fall River.

Besides these annual publications the Bureau issues from time to time:

(a) The Labor Bulletin.

Containing statistical and other information relating to matters affecting labor and the condition of the wage-earning population.

(b) The Municipal Bulletin.

Containing matter relating to municipal affairs, especially finances, and intended to promote a sound and efficient administration of city and town government in Massachusetts.

(c) The Decennial Census.

The Decennial Census of the Commonwealth for 1905 is published complete in four volumes. Vol. I. Population and Social Statistics (37c.); Vol. II. Occupations and The Defective and Delinquent Classes (17c.); Vol. III. Manufactures and Trade (15c.); Vol. IV. Agriculture, Fisheries, and Commerce (23 c.).

The Commonwealth of Massachusetts.

BUREAU OF STATISTICS.

LABOR BULLETIN, No. 92.

JUNE, 1912.

LABOR LEGISLATION IN MASSACHUSETTS, 1912.

This compilation embraces the laws affecting labor which were passed by the Legislature of Massachusetts during the session of 1912. Earlier laws were presented in Labor Bulletin No. 67, the legislation of 1910 in Labor Bulletin No. 73 (and reprinted in Labor Bulletin No. 84) and the legislation of 1911 in Labor Bulletin No. 84.

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II. TEXT OF THE ACTS.

In the following presentation of the Acts of 1912 the amendments to former acts are printed in italics and the old matter omitted is enclosed in brackets.

CHAPTER 55.

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF THE CITY OF LYNN.

SECTION 1. A veteran of the civil war in the service of the city of Lynn, if incapacitated for active duty, may be retired from active service, with the consent of the mayor, at one half the rate of compensation paid to him at the time of his retirement, to be paid out of the treasury of the city: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the city for at least ten years.

SECTION 2. A veteran retired under the provisions of this act, whose term of service was for a fixed number of years, shall be entitled to the benefits of this act without reappointment.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the thirty-first day of January, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

CHAPTER 62.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE LOWELL TEXTILE SCHOOL TO GRANT CERTAIN DEGREES.

The trustees of the Lowell textile school are hereby authorized to grant the degree of Bachelor of Textile Engineering and Bachelor of Textile Dyeing to pupils who have taken the four-year day course of the Lowell textile school in said departments and have passed the examinations required for graduation. *[Approved February 9, 1912.]*

CHAPTER 96.

AN ACT RELATIVE TO PROVIDING SEATS FOR WOMEN AND MINORS IN MANUFACTURING, MECHANICAL AND MERCANTILE ESTABLISHMENTS.

. . . [Amends acts of 1909, chapter 514, section 72.] *Section 72.* [A person who] *Whoever* employs [females] *women or children* in any manufacturing, mechanical, or mercantile establishment shall provide [suitable seats] for their use and [shall] permit [the] *them* to use [of such] *suitable* seats [by them when] *whenever* they are not necessarily engaged in the active duties of their employment, *and shall also provide for their use and permit them to use suitable seats while they are at work, except in such cases and at such times as the work cannot properly be performed in a sitting position.* *Who-*ever violates the provisions of this section shall be punished by a fine of not less than ten nor more than thirty dollars for each offence. *[Approved February 14, 1912.]*

CHAPTER 106.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF EVENING CLASSES IN THE PRACTICAL ARTS FOR WOMEN.

Any city or town may, through its school committee, or other board of trustees for vocational education, establish and maintain separate evening classes in household and other practical arts. Such classes shall be known as practical art classes,

shall be open to all women over seventeen years of age who are employed in any capacity during the day, and may be established and maintained as approved state-aided practical art classes under the provisions of, and subject to all the conditions, not inconsistent with this act, of chapter four hundred and seventy-one of the acts of the year nineteen hundred and eleven. [Approved February 16, 1912.]

CHAPTER 155.

AN ACT RELATIVE TO THE PRACTICE OF MANICURING AND MASSAGE AND THE GIVING OF VAPOR BATHS.

. . . [Amends acts of 1911, chapter 443, section 1.] *Section 1.* It shall be unlawful for any person to practise manicuring or massage or to conduct an establishment for the giving of vapor baths for hire or reward or to advertise or hold himself out as being engaged in the business of manicuring, massage or the giving of said baths without receiving a license therefor from the board of health of the city or town in which the said occupation is to be carried on. The board of health may grant the license upon such terms and conditions, and may make such rules and regulations in regard to the carrying on of the occupation so licensed, as it may deem proper, and may revoke any license granted by it for such cause as it may deem sufficient, and without a hearing: *provided, that a person duly licensed to carry on massage, or to conduct an establishment for the giving of vapor baths, in the city or town in which he lives or carries on business, may attend patients at the request of a physician in any city or town in this Commonwealth without taking out an additional license.* [Approved February 24, 1912.]

CHAPTER 172.

AN ACT RELATIVE TO THE SUFFICIENCY OF NOTICES OF INJURIES TO EMPLOYEES UNDER THE PROVISIONS OF THE WORKINGMEN'S COMPENSATION ACT.

SECTION 1. [Amends acts of 1911, chapter 751, part II, section 16, see *post*, page 26].

SECTION 2. This act shall take effect upon its passage. [Approved February 28, 1912.]

CHAPTER 182.

AN ACT RELATIVE TO THE LICENSING OF OPERATORS OF CINEMATOGRAPHS AND SIMILAR APPARATUS.

SECTION 1. No license to operate a cinematograph or similar apparatus under the provisions of section four of chapter five hundred and sixty-six of the acts of the year nineteen hundred and eight shall hereafter be granted to a person under twenty-one years of age.

SECTION 2. This act shall take effect upon its passage. [Approved March 1, 1912.]

CHAPTER 191.

AN ACT TO DEFINE THE WORD "MINOR" AS APPLIED TO COMPULSORY ATTENDANCE AT DAY SCHOOLS.

. . . [Amends acts of 1909, chapter 514, section 17, paragraph 3, as amended by acts of 1911, chapter 241.] "Child" or "Minor" shall mean a person under eighteen years of age, except that in regard to the compulsory attendance of illiterate minors at day or evening schools, the word "Minor" shall mean a person under the age of twenty-one years. [Approved March 2, 1912.]

CHAPTER 251.

AN ACT RELATIVE TO THE FORM OF NOTICES REQUIRED BEFORE BRINGING ACTIONS FOR RECOVERY OF DAMAGES FOR INJURIES TO EMPLOYEES IN CERTAIN CASES.

SECTION 1. . . . [Amends acts of 1909, chapter 514, section 132, as amended by acts of 1910, chapter 166, section 2, and chapter 611, and by acts of 1911, chapter 178.] *Section 132.* No action for the recovery of damages for injury or death under the provisions of the five preceding sections shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured or by a person in his behalf. If the person injured dies within the time required for giving the notice his executor or administrator may give such notice within sixty days after his appointment; and in such case the action may be begun within one year after the appointment of such executor or administrator. If from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies within said ten days his executor or administrator may give such notice within sixty days after his appointment. If the employer dies without such notice having been given and before the time for giving such notice has elapsed, the notice may be given to his executor or administrator, and the time within which the notice may be given as herein provided, shall run from the appointment of the executor or administrator. A notice given under the provisions of this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby. If the employer dies without such action having been brought and before the time for bringing the action has elapsed, the action may be begun against his executor or administrator not less than one year and not more than two years after the executor or administrator has given bond for the performance of his trust. *Any form of written communication signed by the person so injured, or by some person in his behalf, or by his executor or administrator, or by some person in behalf of such executor or administrator, which contains the information that the person was so injured, giving the time, place and cause of the injury or death, shall be considered a sufficient notice.*

SECTION 2. This act shall take effect upon its passage. [Approved March 14, 1912.]

CHAPTER 311.

AN ACT TO AUTHORIZE CERTAIN MUTUAL INSURANCE COMPANIES TO TRANSACT THE BUSINESS OF EMPLOYERS' LIABILITY INSURANCE, SO-CALLED.

SECTION 1. . . . [Amends acts of 1911, chapter 251, section 1.] *Section 1.* Ten or more persons who are residents of this commonwealth may form an insurance company on the mutual plan to insure any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person, or against damage caused by automobiles to property of another, for which loss or damage such person, firm or corporation is responsible. The corporation shall be formed in the manner described in, and be subject to, the provisions of sections fifteen to twenty, inclusive, of chapter one hundred and ten of the Revised Laws, except as is otherwise provided herein. *Mutual companies doing business and organized prior to April sixth, nineteen hundred and eleven, to transact employers' liability business may have and exercise all the rights and powers conferred by this section upon companies which may be organized hereunder, but such rights and powers shall not be exercised unless authorized*

by a two thirds vote of the policy-holders present and voting at a meeting duly called for that purpose.

SECTION 2. This act shall take effect upon its passage. [Approved March 22, 1912.

CHAPTER 318.

AN ACT RELATIVE TO SAFEGUARDING MACHINERY AND ELEVATORS.

. . . [Amends acts of 1909, chapter 514, section 94.] *Section 94.* The belting, shafting, gearing [and] drums, *elevators and all machinery having movable parts in* [of] all factories, *mechanical establishments, workshops and mercantile establishments*, if so placed as, in the opinion of [the inspectors] *an inspector* of factories and public buildings, to be dangerous to employees therein while engaged in their ordinary duties, shall be, [as] so far as is practicable, securely guarded. No machinery except steam engines in a factory, *mechanical establishment, workshop, or mercantile establishment* shall be cleaned while running if objection in writing is made by one of said inspectors. All factories, [and] *mechanical establishments, workshops and mercantile establishments* shall be well lighted and well ventilated, and shall be kept clean, and this last requirement shall be enforced by the state inspectors of health. [Approved March 25, 1912.

CHAPTER 334.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO REGULATE THE USE OF BUILDINGS FOR THE PROTECTION OF THE PUBLIC HEALTH AND MORALS.

. . . [Amends Revised Laws, chapter 104, section 1.] *Section 1.* Every city, except Boston, and every town which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws may, for the prevention of fire and the preservation of life, *health and morals*, by ordinances or by-laws not inconsistent with law and applicable throughout the whole or any defined part of its territory, regulate the inspection, materials, construction, alteration, *height, area, location* and use of buildings and other structures within its limits, except such as are owned or occupied by the United States or by the Commonwealth and except bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for each violation of such [ordinances] *ordinance* or by-laws. [Approved March 28, 1912.

CHAPTER 354.

AN ACT TO INCREASE THE PENALTY IMPOSED ON A RAILROAD CORPORATION FOR LOSS OF LIFE THROUGH ITS NEGLIGENCE.

. . . [Amends acts of 1906, chapter 463, part I, section 63, as amended by acts of 1907, chapter 392.] . . . If an employee of a railroad corporation, being in the exercise of due care, is killed under such circumstances as would have entitled him to maintain an action for damages against such corporation if death had not resulted, the corporation shall be liable in the sum of not less than five hundred nor more than [five thousand] *ten thousand* dollars, in the same manner as it would have been if the deceased had not been an employee. But no executor or administrator shall, for the same cause, avail himself of more than one of the remedies given by the provisions of this section. [Approved April 1, 1912.]

CHAPTER 35S.

AN ACT TO PREVENT INTERFERENCE WITH THE MILITIA AND NAVAL RESERVE AND WITH ENLISTMENT THEREIN.

SECTION 1. Any person who wilfully either deprives a member of the militia or naval reserve of his employment, or denies him employment, or prevents his being employed by another, or obstructs or annoys him or his employer in respect of his trade, business, or employment, because of such member's connection with the militia or naval reserve or because of his necessary absence from business in performance of his duty as such member, and whoever dissuades any person from enlisting in the militia or naval reserve by threat of injury to him in respect of his employment, trade or business or of other injury, in case he shall so enlist, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon its passage. [*Approved April 1, 1912.*]

CHAPTER 363.¹

AN ACT RELATIVE TO THE RETIREMENT SYSTEM OF THE EMPLOYEES OF THE COMMONWEALTH.

CHAPTER 532, ACTS OF 1911 (AS AMENDED BY CHAPTER 363, ACTS OF 1912).

AN ACT TO ESTABLISH A RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE COMMONWEALTH.

SECTION 1 [as amended by acts of 1912, chapter 363, Section 1]. In this act, unless the context otherwise requires:—

(a) The words "retirement system" mean the arrangements provided in this act for the payment of pensions.

(b) The word "annuities" means the payments for life derived from money contributed by the employees.

(c) The word ["employee"] "*employees*" means [any person on the payroll] *permanent and regular employees in the direct service* of the Commonwealth [whether employed in the direct service of the Commonwealth] or in the metropolitan district service, [who regularly gives his whole time to that] *whose only or principal employment is in such service.*

(d) The word "pensions" means the payments for life derived from money contributed by the Commonwealth.

(e) The words "regular interest" mean interest at three per cent per annum compounded semi-annually on the last days of December and June, and reckoned for full three and six months' periods only.

(f) The words "continuous service" mean uninterrupted employment, with these exceptions: a lay-off on account of illness or reduction of force, and a leave of absence, suspension or dismissal followed by reinstatement within one year. As to appointees of the sergeant-at-arms the interval between sessions of the General Court shall not be considered as breaking the continuity of service.

In the case of employees of any department or institution formerly administered by a city, county or corporation and later taken over by the Commonwealth, service rendered prior to such transfer shall be counted as a part of the continuous service for the purposes of this act.

¹ In view of the many important amendments made to Chapter 532, Acts of 1911, by Chapter 363, Acts of 1912, it has been deemed advisable to print the text of the entire act as amended.

ESTABLISHMENT OF RETIREMENT SYSTEM.

SECTION 2. The retirement system shall be established on the first day of January or the first day of July following the expiration of three months after the date on which this act takes effect.

THE RETIREMENT ASSOCIATION.

SECTION 3 [as amended by acts of 1912, chapter 363, section 2]. A retirement association shall be organized among the employees of the Commonwealth, including employees in the metropolitan district service, as follows:

(1) All employees of the Commonwealth, on the date when the retirement system is established, may become members of the association. On the expiration of thirty days from said date every such employee shall be considered to have elected to become, and shall thereby become, a member, unless he shall have within that period, sent notice in writing to the state insurance commissioner that he does not wish to join the association.

(2) All employees who enter the service of the Commonwealth after the date when the retirement system is established, except persons who have already passed the age of fifty-five years, shall upon completing [thirty] *ninety* days of service become thereby members of the association. Persons over fifty-five years of age who enter the service of the Commonwealth after the establishment of the retirement system shall not be allowed to become members of the association, and no such employees shall remain in the service of the Commonwealth after reaching the age of seventy years.

(3) No officer elected by popular vote may become a member of the association, nor any employee who is or will be entitled to a pension from the Commonwealth for any reason other than membership in the association.

(4) Any member who reaches the age of sixty years and has been in the continuous service of the Commonwealth for a period of fifteen years immediately preceding may retire or be retired by the board of retirement upon recommendation of the head of the department in which he is employed, and any member who reaches the age of seventy must so retire.

(5) Any member who has completed a period of thirty-five years of continuous service may retire, or may be retired at any age by the board of retirement upon recommendation of the head of the department in which he is employed, if such action be deemed advisable for the good of the service.

(6) *Employees who are paid partly by the Commonwealth and partly by a county having a retirement system shall be enrolled as members of the state retirement association. Such employees shall be assessed on their full wages or salaries and the assessments on the part of such wages or salaries paid by the county shall be deducted by the treasurer of the county and turned over by him to the retirement association fund of the Commonwealth. When any such employee is retired under the provisions of this act the treasurer of the Commonwealth shall be reimbursed out of the treasury of the county for a part of the pension payments to such employee equivalent to the amount of the annuity payable on the assessments on that part of his wages or salary paid by the county which was deducted and turned over to the retirement association fund of the Commonwealth in the manner hereinbefore provided.*

THE BOARD OF RETIREMENT.

SECTION 4 [as amended by acts of 1912, chapter 363, section 3]. (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the state treasurer; the second member shall be a member of the association elected by the latter within sixty days after the date

on which the retirement system is established, in a manner to be determined by the state insurance commissioner; the third member shall be chosen by the other two members. In case of the failure of the latter to choose the third member within thirty days after the election of the second member, the governor shall appoint the third member. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office of any member, a successor of the person whose place has become vacant or whose term has expired shall be chosen in the same manner as his predecessor.

(2) The members of the board of retirement shall serve without compensation; but they shall be reimbursed out of the contingent fund for any expense or loss of salary or wages which they may incur through service on the board. All claims for reimbursement on this account shall be subject to the approval of the governor and council.

(3) The state treasurer shall have charge and control of the funds of the system, subject to the approval of the board of retirement, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds, and any and all unappropriated income of said funds: *provided, however*, that all funds received by him, and not required for current disbursements, shall be invested in accordance with the provisions of the laws of this Commonwealth relating to the investment of the funds of savings banks. He shall in the investment of the funds give preference to the securities *that are legal for the investment of the sinking funds* of the Commonwealth. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

(4) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes, subject to the approval of the governor and council.

(5) The board shall determine the percentage of wages or salary that employees shall contribute to the pension fund, subject to the minimum and maximum percentages, and shall, furthermore, have the power to classify employees for the purposes of the retirement system and to establish different rates of contribution for different classes within the prescribed limits.

(6) The state treasurer shall, in January of each year, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner a sworn statement, which shall exhibit the financial condition of the retirement system on the thirty-first day of the preceding December, and its financial transactions for the year ending with said day. The said statement shall be in a form approved by the insurance commissioner, and shall show, among other things, the liability of the retirement system on account of the following items: —

A. *Deposit Reserves.*

The total of the deposits of the members actually received by the treasurer or due from the Commonwealth under section five, (2) A, and held subject to withdrawal by such members.

B. *Interest Reserve.*

Regular interest on such deposits.

C. Annuity Reserve.

The net value of the annuities entered upon under section six, (2) *B*, on the basis of the mortality tables and interest rates provided for in this act.

D. Expense and Contingent Fund.

- (a) The unexpended portion of the amounts received under section five, (1).
- (b) The contingent fund.

E. Gifts and Bequests.

The amounts received as gifts or bequests and held under the terms of such gifts or bequests.

F. Other Liabilities.

All other liabilities.

G. Surplus.

- (a) *Annuity Surplus.* — The undistributed surplus arising from annuity deposits.
- (b) *Other Surplus.* — All unassigned funds.

CREATION OF THE RETIREMENT FUND.

SECTION 5. The funds of the retirement system shall be raised as follows: —

(1) *Expense and Contingent Fund.*

The general court shall appropriate annually such an amount as may be necessary to defray the whole expense of administration, according to estimates prepared by the treasurer.

(2) *Annuity and Pension Fund.*

A. Deposits by Members. — Each member shall deposit in this fund from his salary or wages, as often as the same are payable, not less than one per cent and not more than five per cent of the amount of his wages or salary, as determined by the board of retirement under the provisions of section four (5): *provided, however*, that employees who receive more than thirty dollars weekly in salary or wages shall not be assessed for contribution to this fund on the excess above that amount.

B. Contributions of the Commonwealth. — (a) Each month the Commonwealth shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for subsequent service, under section six (2) *C* (a).

(b) Each year, in January, the Commonwealth shall contribute an amount equal to the surplus arising from annuity deposits. In case there should be a deficiency arising from such annuity deposits, instead of a surplus, then the Commonwealth shall make good the deficiency.

(c) Each month the Commonwealth shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for prior service under section six (2) *C* (b).

(d) Each month the Commonwealth shall contribute such amount as the board of retirement may determine to be necessary to ensure the minimum payments provided for in section six, *E*.

(3) *Provision for Payments.*

All amounts payable by members of the association under paragraph (2) *A* of this section shall be deducted by the Commonwealth from the amounts payable to them as salary or wages, as often as the same are payable, and shall immediately be credited to the retirement fund by the state treasurer.

DISTRIBUTION OF FUNDS.

SECTION 6 [as amended by acts of 1912, chapter 363, section 4]. The state treasurer shall administer the funds of the pension system in accordance with the following plan:—

(1) *Expense and Contingent Fund.*

The fund provided for by section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the treasury of the Commonwealth. In case the amount appropriated for the expense of a contingent fund in any year should prove insufficient, the Commonwealth shall appropriate in the following year such additional sum as may be required to cover the deficit.

(2) *Annuity and Pension Funds.*

A. *Refunds.*—(a) Should a member of the association cease to be an employee of the Commonwealth for any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money paid in by him under section five, (2) A, with regular interest.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money paid in by him under section five, (2) A, with such interest as shall have been earned on such deposits.

B. *Annuities from Employees' Deposits.*—Any member who reaches the age of sixty years and has been in the continuous service of the Commonwealth for fifteen years immediately preceding, and then or thereafter retires or is retired, any member who retires or is retired at the age of seventy years, and any member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with regular interest, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms:—

(a) A life annuity, payable monthly.

(b) A life annuity, payable monthly, with the provision that in the event of the death of the annuitant before receiving payments equal to the sum, at the date of his retirement, of his deposits under section five, (2) A, with regular interest, the difference shall be paid to his legal representatives.

C. *Pensions derived from Contributions by the Commonwealth.*—(a) Pensions based upon subsequent service. Any member entitled to an annuity under paragraph (2) B of this section shall receive in addition thereto a pension for life payable monthly equivalent to that annuity, to be paid out of the fund contributed by the Commonwealth under the provisions of section five, (2) B (a).

(b) Pensions based upon prior service. Any member of the association who reaches the age of sixty years, having been in the continuous service of the Commonwealth for fifteen years or more immediately preceding, and then or thereafter retires or is retired and any member who completes thirty-five years of continuous service and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) B and C (a) of this section, an extra pension for life as large as the amount of the annuity and pension to which he might have acquired a claim if the retirement system had been in operation at the time when he entered the service of the Commonwealth, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

In case of employees who are paid partly by the Commonwealth and partly by a county having a retirement system, or who have rendered service in the past both for the Commonwealth and for such county, all of the continuous service rendered by any such employee either for the Commonwealth or for the county before the establishment of the retirement system shall be counted as part of the prior service for the purposes of this act.

In the case of members of the association related as husband and wife, if one of the two retires or is retired the other shall have the right also to retire, and shall be paid a retiring allowance proportionate to the amount of his or her accumulated contributions to date, or, in case the allowance thus calculated is less than the minimum allowance of two hundred dollars hereinafter provided for, shall be paid that sum annually.

If the accumulated contributions of any employee retired under the provisions of this act exceed the amount required to provide an annuity equal to one fourth of the average wages or salary of such employee during the last ten years prior to his retirement, the excess above that amount shall be paid to such employee in a lump sum with the first monthly payment on the account of his retiring allowance.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years. For the purpose of computing any pension payable for prior service, the board of retirement may estimate on the basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established may be retired at any time and shall be paid a pension equivalent to the minimum payment hereinafter provided for.

D. Application of Surplus.—The board of retirement shall have power to determine the application of any surplus, as defined under section four (6) *G*, subject to the approval of the insurance commissioner.

E. Minimum and Maximum Payments.—In no case shall the total monthly payment to a member be at a rate less than two hundred dollars per year, or at a rate more than one half the amount of the average salary or wages received by the member during the ten years prior to his retirement.

F. Association Membership and Pension Certificate.—Membership in the association shall be evidenced by a certificate to be issued to each member by the board of retirement, and the right to an annuity or a pension shall be evidenced by a policy to be issued to each member who retires or is retired by the board of retirement.

TAXATION, ATTACHMENTS AND ASSIGNMENTS.

SECTION 7. The funds of the retirement system, so far as they are invested in personal property, shall be exempt from taxation.

That portion of the wages of a member deducted or to be deducted under this act, the right of a member to an annuity or pension, and all his rights in the funds of the retirement system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment of any right in or to said funds shall be valid.

SUPERVISION BY INSURANCE COMMISSIONER.

SECTION 8. The insurance commissioner shall prescribe for the retirement system of the Commonwealth one or more mortality tables, and shall determine what rates of interest shall be established in connection with such tables, and may later modify such tables or prescribe other tables to represent more accurately the ex-

pense of the retirement system, or may change said rates of interest and may determine the application of the changes so made. He shall also prescribe and supervise the methods of bookkeeping of the retirement association formed under the provisions of this act.

The insurance commissioner shall at least once in each year, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the retirement association to ascertain its financial condition, its ability to fulfil its obligations, whether all parties in interest have complied with the provisions of law applicable to the retirement association, and whether the transactions of the board of retirement have been in accordance with the rights and equities of those in interest. The retirement system shall be credited, in the account of its financial condition, with the amounts due from the Commonwealth, under the provisions of section five, (2) *B (a)*, its investments having fixed maturities upon which the interest is not in default at amortized values, and its other investments at a reasonable valuation.

For the purposes aforesaid, the insurance commissioner or other persons making examination shall have access to all the securities, books and papers of the retirement system, and may summon and administer oaths and examine as witnesses the members of the board of retirement or any other person relative to the financial affairs, transactions and condition of the retirement system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at such examination, and the results thereof. Upon the completion of such examination, verification and valuation, the insurance commissioner shall make a report in writing of his findings to the board of retirement, and shall send a copy thereof to the governor and the executive council of the Commonwealth.

SECTION 9. If, in the judgment of the insurance commissioner, the Commonwealth or the board of retirement has violated or neglected to comply with any of the provisions of this act, or of the rules and regulations established by the board of retirement hereunder, he shall give notice thereof to the governor of the Commonwealth and to the board of retirement, and thereafter if such violation or neglect continues shall forthwith present the facts to the attorney-general for his action.

SECTION 10. The superior court shall have jurisdiction in equity upon petition of the insurance commissioner or of any interested party to compel the observance and restrain the violation of this act, and of the rules and regulations established by the board of retirement hereunder.

SECTION 11. This act shall take effect upon its passage. [*Original act, Chapter 532, Acts of 1911, approved June 7, 1911; amending act, Chapter 363, Acts of 1912, approved April 2, 1912.*]

CHAPTER 369.

AN ACT RELATIVE TO THE OCCUPATION OF BUILDINGS IN THE CITY OF BOSTON UNTIL MEANS OF EGRESS HAVE BEEN PROVIDED SATISFACTORY TO THE BUILDING COMMISSIONER.

SECTION 1. . . . [Amends acts of 1907, chapter 550, section 12, paragraph 7.] Every building shall have, with reference to its height, condition, construction, surroundings, character of occupation and number of occupants, reasonable means of egress in case of fire, satisfactory to the commissioner, except that in all factories or workshops hereafter built or altered, of second class construction, where ten or more persons are employed above the second floor, one exit shall consist of a fireproof stairway enclosed in incombustible material. *No building hereafter erected shall be occupied or permitted to be occupied until said means of egress have been provided in accordance with plans and drawings approved by the building commissioner.*

SECTION 2. This act shall take effect upon its passage. [*Approved April 3, 1912.*]

CHAPTER 395.

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF THE CITY OF BOSTON.

SECTION 1. . . . [Amends acts of 1911, chapter 113.] *Section 3. An employee of the city who is on leave of absence, or whose name remains on the list of employees of the city, although he is not rendering service, or who ceases to be an employee of the city within the three years preceding the passage of this act shall be entitled to the benefits of this act: provided, that he is a veteran of the Civil War.*

SECTION 2. This act shall take effect upon its passage. [Approved April 3, 1912.]

CHAPTER 409.

AN ACT RELATIVE TO REPORTING ACCIDENTS.

. . . [Amends acts of 1909, chapter 514, section 144.] *Section 144. All [manufacturers, manufacturing corporations, and proprietors of mercantile establishments, shall forthwith send to the chief of the district police a written notice of any accident to an employee while at work in any factory, manufacturing or mercantile establishment operated by them, if the accident results in the death of said employee or in such bodily injury as to prevent him from returning to his work within four days thereafter.] employers shall keep a correct record of any accident occurring to an employee while at work for the employer, whether such accident results in the death of the employee or in such bodily injury as shall prevent him from returning to work within four days thereafter. The said record shall be open to inspection by an inspector of factories of the district police. Within ninety-six hours after the time of the accident a written report thereof shall be furnished to the chief of the district police, upon forms to be furnished by him. No statements contained in any such report shall be admissible in any action arising out of the accident therein reported. The chief of the district police shall [forthwith transmit to] furnish the sender [of such notice] with a written or printed acknowledgment of the receipt [thereof] of the report, [and he] shall keep a record of all accidents so reported to him, [of the name of the person injured, of the city or town in which the accident occurred and the cause thereof] and shall include an abstract of [said] the record in his annual report. [Whoever] An employer who fails to [send notice of an accident as] keep the record or to furnish the report to the chief of the district police required by this section shall be punished by a fine of not [more than twenty dollars] less than ten dollars nor more than twenty-five dollars for each offence. [Approved April 6, 1912.]*

CHAPTER 447. .

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF CITIES AND TOWNS.

SECTION 1. A veteran of the civil war in the service of any city or town, if incapacitated for active duty, may be retired from active service by the city council of the city, or by the selectmen of the town, at one half the rate of the average compensation paid to him during the two years immediately preceding his retirement: *provided, that no veteran shall be retired under the provisions of this act unless he has been in the service of the city or town for a period of not less than ten years preceding the time of his retirement.*

SECTION 2. A veteran of the civil war who is employed jointly by two cities or by a city and town, or by two towns, if incapacitated for active duty, may be retired from active service by the joint action of the city council of each city, or by the joint action of the city council of the city and of the selectmen of the town, or by the selectmen of the two towns, as the case may be, at one half the rate of the

average compensation paid to him during the two years immediately preceding his retirement, one half of the said retiring compensation to be paid by each of the municipalities employing him: *provided*, that, except as hereinafter provided, no veteran shall be retired under the provisions of this section unless he has been in the service of the two municipalities, as aforesaid, for a period of not less than ten years preceding the time of his retirement. But a period of employment by either one of said municipalities immediately preceding his employment by both jointly shall be reckoned as a part of the said ten years.

SECTION 3. This act shall take effect in any city or town upon its acceptance by the city council of the city, or by a majority of the voters of the town voting thereon at an annual town meeting or at any special town meeting duly called for the purpose.

SECTION 4. The action of any city council in regard either to the acceptance of this act or to the retiring of any veteran under authority of this act shall be subject to veto by the mayor of such city and to passage over his veto in the manner provided by the charter of the city. [*Approved April 8, 1912.*]

CHAPTER 452.

AN ACT RELATIVE TO THE EMPLOYMENT OF CHILDREN AND WOMEN IN CERTAIN WORKSHOPS CONNECTED WITH MERCANTILE ESTABLISHMENTS.

SECTION 1. . . . [Amends acts of 1911, chapter 313, section 1.] *Section 1.* The provisions of section forty-seven of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, relative to the employment of children and women in mercantile establishments, shall also apply to children and women employed in a workshop for the [making] altering or repairing of garments: *provided*, that the workshop is connected with a mercantile establishment where the said garments are sold at retail, and is owned and operated by the proprietor of such mercantile establishment; and *provided, also*, that such children and women shall not be employed more than fifty-six hours in any one week. The provisions of section forty-eight of the said chapter shall not apply to children and women employed as aforesaid.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the second day of April, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

CHAPTER 453.

AN ACT TO PROVIDE FOR THE RETIREMENT OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF SOMERVILLE.

SECTION 1. The chief of the fire department of the city of Somerville, with the approval of the mayor and board of aldermen, shall retire from active service and place upon a pension roll any member of the fire department of that city who, by injuries sustained through no fault of his and in the actual performance of his duty, has become permanently disabled, mentally or physically, from useful service in the department, and may retire from active service and place upon a pension roll any member of said department who has reached the age of sixty-five years and who has performed faithful service in that department for a period of not less than twenty years, and any member of said department who has performed faithful service in that department for a period of not less than twenty years, who is incapacitated for further useful service in the department: *provided, however*, that no member of said department shall be retired for permanent total disability except upon the certificate of the city physician, which certificate shall be filed with the records of the fire department. Every person retired under the provisions of this act shall receive as an annual pension a

sum equal to one half of the annual compensation received by him at the time of his retirement, the said amount to be paid by the city, which shall provide money therefor.

SECTION 2. Chapter two hundred and forty-six of the acts of the year nineteen hundred, in so far as it applies to the city of Somerville, is hereby repealed.

SECTION 3. This act shall take effect upon its acceptance by the board of aldermen of the city of Somerville for the year nineteen hundred and twelve.

(This bill, returned by the Governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives April 8, and, in concurrence, by the Senate April 9, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

CHAPTER 477.

AN ACT RELATIVE TO THE HOURS OF EMPLOYMENT OF WOMEN AND MINORS.

... [Amends acts of 1909, chapter 514, section 48, as amended by acts of 1911, chapter 484.] *Section 48.* No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day; [except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week,] and in no case shall the hours of labor exceed fifty-four in a week, *and if any child or woman shall be employed in more than one manufacturing or mechanical establishment, the total number of hours of such employment shall not exceed fifty-four hours in any one week;* except that in any such establishment where the employment is by seasons, the number of such hours in any one week may exceed fifty-four, but not fifty-eight, provided, that the total number of such hours in any year shall not exceed an average of fifty-four hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections [thirty-six and thirty-seven] *sixty-seven and sixty-eight,* the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings. [Approved April 12, 1912.]

CHAPTER 479.

AN ACT TO REQUIRE THE FURNISHING OF SEATS FOR ELEVATOR MEN.

SECTION 1. All elevators used for the carriage of passengers shall be provided with a suitable seat for the operator in charge of the same.

SECTION 2. Failure to comply with the provisions of this act shall be punished by a fine not exceeding twenty dollars for each offence.

SECTION 3. This act shall be enforced by the inspectors of factories and public buildings of the district police. [Approved April 12, 1912.]

CHAPTER 488.

AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO ISSUE PASSES TO FORMER EMPLOYEES WHO HAVE BEEN INJURED.

SECTION 1. Railroad corporations are hereby authorized to issue passes for free transportation to former employees who have been injured in the service of the corporation issuing the pass. The pass shall state the nature of the injury, shall not be transferable, and shall be forfeited if used, or attempted to be used, in violation of the conditions of the pass, or if it was obtained by misrepresentation.

SECTION 2. This act shall take effect upon its passage. [*Approved April 13, 1912.*]

CHAPTER 495.

AN ACT RELATIVE TO CERTAIN CORRUPT CONDUCT ON THE PART OF AGENTS AND OTHERS.

. . . [Amends acts of 1909, chapter 514, section 28.] *Section 28.* Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, with intent to influence his action in relation to the business of his principal, employer or master; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to the business of his principal, employer or master; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year; *except that if the person who commits the said offence acts as agent or officer of any person, partnership, or corporation to employ persons as clerks, laborers or otherwise, the offence shall be felony punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the state prison for not more than three years.* The district attorneys in their respective districts shall prosecute all violations of this section. [*Approved April 16, 1912.*]

CHAPTER 503.

AN ACT RELATIVE TO PENSIONING LABORERS IN THE EMPLOY OF CITIES AND TOWNS.

SECTION 1. Any laborer in the employ of a city or town which accepts this act, who has reached the age of sixty years and has been in such employ for a period of not less than twenty-five years and has become physically or mentally incapacitated for labor, and any laborer in the employ of such city or town who has been in such employ for a period of not less than fifteen years and has become physically or mentally incapacitated for labor by reason of any injury received in the performance of his duties for such city or town may, at his request, and in cities, with the approval of the mayor, or in towns, with the approval of the selectmen, be retired from service, and if so retired he shall receive from the city or town for the remainder of his life, an annual pension equal to one-half of the average annual compensation paid to him as a laborer during the two years next prior to his retirement. Any laborer in the employ of such a city or town who has reached the age of sixty-five

years and has been in such employ for a period of not less than twenty-five years shall be retired from service and shall receive from the city or town an annual pension computed in the manner hereinbefore set forth.

SECTION 2. This act shall be submitted to the voters of each of the cities and towns of the commonwealth at the next annual state election for their acceptance or rejection, and shall take effect in any city or town upon its acceptance by a majority of the voters of such city or town voting thereon.

SECTION 3. Not less than two weeks and not more than four weeks before the election at which this act shall be submitted to the voters, the city clerk of each city shall cause to be mailed to each of the registered voters of his city a copy of this act, together with a statement that it is to be submitted to the voters at the coming election.

SECTION 4. This act shall not apply to the city of Boston.

(The foregoing was laid before the Governor on the eleventh day of April, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

CHAPTER 518.

AN ACT RELATIVE TO THE REGISTRATION OF PLUMBERS.

SECTION 1. Certificates of registration in accordance with the provisions of chapter one hundred and three of the Revised Laws and of chapter five hundred and thirty-six of the acts of the year nineteen hundred and nine, shall be issued to all persons who registered in accordance with, and to whom certificates were issued under, the provisions of either of said chapters or under the provisions of chapter four hundred and fifty-five of the acts of the year eighteen hundred and ninety-four: *provided*, that such persons, after receipt of actual notice of the provisions of this act by registered mail or otherwise, shall register anew with the state examiners of plumbers within sixty days after the receipt of such notice.

SECTION 2. So much of chapter five hundred and thirty-six of the acts of the year nineteen hundred and nine and of chapter five hundred and ninety-seven of the acts of the year nineteen hundred and ten as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage. *[Approved April 18, 1912.]*

CHAPTER 528.

AN ACT TO PROVIDE A SATURDAY HALF HOLIDAY FOR LABORERS AND MECHANICS OF THE METROPOLITAN WATER AND SEWERAGE BOARD AND THE METROPOLITAN PARK COMMISSION.

SECTION 1. Laborers and mechanics in the permanent service of the metropolitan water and sewerage board or the metropolitan park commission, except those employed in the pumping stations of the metropolitan water and sewerage board and at the bath-houses under the control of the metropolitan park commission, shall be given a half holiday each week during the months of June, July, August and September, without loss of pay, and, if practicable, the half holiday shall be on Saturday. If, however, the public service so requires, the metropolitan park commission and the metropolitan water and sewerage board may at any time during the year give to the laborers and mechanics in their permanent service, in lieu of the said half holidays, days off duty without loss of pay equivalent in time to the half holidays which would otherwise be given under this act.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the seventeenth day of April, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

CHAPTER 531.

AN ACT RELATIVE TO THE OPERATION AND INSPECTION OF STEAM BOILERS.

SECTION 1. . . . [Amends acts of 1907, chapter 465, section 1, as amended by acts of 1908, chapter 563, section 1, and acts of 1909, chapter 393, section 1.] *Section 1.* All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horse power, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, *and no person shall operate or cause to be operated any boiler not exempted by the provisions of this section until the boiler has been inspected as hereinafter provided, nor until the certificate of inspection as hereinafter provided has been issued and so placed as to be easily read in the engine or boiler room of the plant where the boiler is located, except that such certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times; and [shall not be operated] no person shall operate or cause to be operated any boiler not exempted by the provisions of this section at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter provided; and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board.* All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. A boiler in this Commonwealth at the time of the passage of this act which does not conform to the rules of construction formulated by the board of boiler rules may be installed after a thorough internal and external inspection and hydrostatic pressure test by a member of the boiler inspection department of the district police, or by an inspector holding a certificate of competency as an inspector of steam boilers, as provided by section six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, and employed by the company insuring the boiler. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not confirm to the rules formulated by the board of boiler rules.

SECTION 2. . . . [Amends said chapter 465, section 2.] *Section 2.* Whoever owns, or uses or causes to be used, any such boiler, unless the same is under the periodically guaranteed inspection of insurance companies authorized to insure boilers in this Commonwealth, shall [annually] report *in writing* to the chief inspector of the boiler inspection department of the district police the location of such boiler, *before the work of installation of such boiler is completed; and annually thereafter: provided, however, that whoever owns, or uses or causes to be used, any such boiler, shall also report in writing immediately to the chief inspector of the boiler inspection department of the district police when the periodically guaranteed inspection of an insurance company authorized to insure boilers in this Commonwealth ceases on such boiler for any cause, and annually thereafter so long as such boiler is not under the periodically guaranteed inspection of an insurance company authorized to insure boilers in this Commonwealth.*

SECTION 3. . . . [Amends said chapter 465, section 5.] *Section 5.* No person shall act as an inspector of boilers which are under the periodically guaranteed inspection of companies that have complied with the laws of this Commonwealth, unless he holds a certificate of competency as hereinafter provided. *Every insurance company authorized to inspect and insure steam boilers in this Commonwealth shall have in*

its employ at least one inspector who holds a certificate of competency as hereinafter provided, and who resides in this Commonwealth.

SECTION 4. . . . [Amends said chapter 465, section 13.] *Section 13.* The owner or user of a boiler herein required to be inspected [which is not insured by a boiler insurance company] shall [after due notice] prepare the boiler for [internal and external] inspection [at the appointed time, by drawing the water from the boiler and removing the manhole and hand-hole plates] *as directed by the inspector.* The [boiler inspection department] *inspector* shall give the owner or user at least fourteen days' notice to prepare [boilers] a boiler for [this] inspection [but] *if requested by the owner or user to give such notice: provided, however, that the inspector shall not be required to give notice of external inspection under steam, and that such notice need not be given if the boiler is in process of installation, or if the boiler has not been inspected within one year and a certificate of inspection issued.* If, in the judgment of an inspector of the boiler inspection department of the district police, any boiler or its appurtenances, which are herein required to be inspected, are in a defective or dangerous condition, he may immediately order the boiler discontinued from service, whether or not such boiler is under the periodically guaranteed inspection of an insurance company authorized to insure steam boilers in this Commonwealth; and no person shall again operate such boiler, or cause it to be operated, until a certificate of inspection has been issued by an inspector of the boiler inspection department of the district police.

SECTION 5. . . . [Amends said chapter 465, section 14.] *Section 14.* The owner or user of a boiler inspected by the boiler inspection department shall pay to the inspector five dollars for each boiler internally and externally inspected, and two dollars for each visit for external inspection *under steam, and two dollars for each cast-iron sectional boiler inspected.* The inspector shall give receipts for the same, and shall pay all sums so received to the chief inspector of [boilers] *the boiler inspection department*, who shall pay the same to the treasurer of the Commonwealth.

SECTION 6. . . . [Amends said chapter 465, section 15.] *Section 15.* If, upon inspection the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, *and the boiler and its appendages conform to the rules formulated by the board of boiler rules*, he shall issue to the owner or user thereof a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with fittings necessary to safety, or if the fittings are improperly arranged, *or if the boiler and its appendages do not conform to the rules formulated by the board of boiler rules*, he shall withhold his certificate until the boiler and its fittings are put in a condition to insure safety of operation, *and the boiler and its appendages do conform to the rules formulated by the board of boiler rules*; and the owner or user shall not operate the boiler, or cause it to be operated, until such certificate has been granted.

SECTION 7. . . . [Amends said chapter 465, section 17.] *Section 17.* Insurance companies engaged in the business of inspecting and insuring steam boilers shall, after each internal and external inspection, *if the boiler and its appendages conform to the rules formulated by the board of boiler rules*, and if they deem the boiler to be in safe working condition *otherwise*, issue a certificate of inspection stating the maximum pressure at which the boiler may be operated. This maximum pressure shall be determined under the rules established by the board of boiler rules.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 9. This act shall take effect upon its passage. [Approved April 25, 1912.]

CHAPTER 533.

AN ACT RELATIVE TO THE HOURS OF LABOR OF EMPLOYEES OF STREET RAILWAY COMPANIES.

SECTION 1. Section ninety-five of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six [and acts of 1909, chapter 514, section 46] is hereby repealed and the work of all conductors, motormen and trainmen who are employed by or on behalf of a street railway or elevated railway company shall be arranged as provided in this act.

SECTION 2. A day's work for all conductors, [and] motormen *and trainmen* [who are employed by or on behalf of a street railway company shall not exceed ten hours, and] shall be [so] arranged by the employer *upon the basis of nine hours' platform work: provided, however, that if in any case the schedule cannot be so arranged as to furnish a day's work of approximately nine hours and it is possible to provide one not exceeding nine and one-half hours, the schedule may be so arranged, the platform time above the nine hours to be paid for as an addition to the nine hours' work. The day's work of men employed on regular cars shall be arranged to [that it may] be performed within twelve consecutive hours. The work of any extra man who is regularly employed may, with his consent, be arranged in early and late halves or portions, but there shall be an interval of not less than eight hours between the close of the work of one day for such extra men and the beginning of the work of the next day, within which they shall not be required to perform any work except in cases of emergency. Nothing herein contained shall be held to prohibit spare men from performing, as substitutes in case of emergency, the work of employees unexpectedly absent.*

SECTION 3. No officer or agent of any such company shall require from said employees more than [ten] nine hours' platform work for a day's labor *except as is herein expressly provided. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment by the employees, or threat to refrain from employing any employee in the future shall be considered coercion and "requiring" within the meaning of this section. [But] On legal holidays and on Sundays [on days when the company is required to provide for extraordinary travel,] and in case of [accident or] unavoidable delay or other emergency, or at any time at the request of the employee, extra labor may be performed for extra compensation. A company which violates the provisions of this act shall forfeit for each offence not less than one hundred nor more than five hundred dollars.*

SECTION 4. *This act shall not affect any written contract existing at the date of its passage.*

SECTION 5. *This act shall take effect on the first day of January, nineteen hundred and thirteen. [Approved April 25, 1912.]*

CHAPTER 545.

AN ACT FURTHER TO REGULATE ADVERTISEMENTS AND SOLICITATIONS FOR EMPLOYEES DURING STRIKES OR OTHER LABOR DISPUTES.

SECTION 1. . . . [Amends acts of 1910, chapter 445 by inserting after section 1 the following new section.] *Section 2. The provisions of this act shall cease to be operative when the state board of conciliation and arbitration shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Said board shall determine this question as soon as may be, upon the application of the employer.*

SECTION 2. This act shall take effect upon its passage. *[Approved April 27, 1912.]*

CHAPTER 546.

AN ACT RELATIVE TO VACATIONS OF MEMBERS OF FIRE DEPARTMENTS.

SECTION 1. Members of the fire department of every city shall be excused from duty for one day out of every five days, without loss of pay. The time and the manner of excusing members of fire departments from duty, in accordance with the provisions of this act, shall be determined by the chief, or other officer or board at the head of the fire department.

SECTION 2. The chief, or other officer or board at the head of the fire department of any city shall have authority, in case of any public emergency, to prevent any member of the department from taking the day off herein provided for at the time when he is entitled thereto, or at the time assigned therefor, provided that such day off shall be granted to him as soon thereafter as is practicable, and such days shall be in addition to any annual vacation now or hereafter allowed to the members of said departments, and such annual vacation shall not be diminished on account of the days off herein provided for.

SECTION 3. This act shall be submitted to the voters of every city, except the cities of Boston and Brockton, at the annual city election in the current year, and shall take effect in any city upon its acceptance by a majority of the voters voting thereon; otherwise it shall not take effect. If in any such city the said election for the current year shall have been held prior to the passage of this act, this act shall be submitted to the voters of such city at the annual city election in the following year. [Approved April 27, 1912.]

CHAPTER 565.

AN ACT TO EXTEND AND ENLARGE THE PLAN OF MAKING GOODS FOR PUBLIC USE BY THE LABOR OF PRISONERS.

SECTION 1. . . . [Amends revised laws, 1902, chapter 225, section 45.] *Section 45.* The prison commissioners shall, as far as possible, cause such articles and materials as are used in the public institutions, *offices and departments* of the Commonwealth, [and] of the several counties, *and of the cities and towns*, which are established, maintained or supported, wholly or in part, by the appropriation of public money, [or such as are used in the public institutions of cities which, according to the latest census, state or national, had a population of forty thousand inhabitants] to be produced by the labor of prisoners in the institutions named in section forty-three.

SECTION 2. . . . [Amends acts of 1910, chapter 414, section 5.] *Section 5.* In January of each year the prison commissioners shall send to the auditor of the Commonwealth, to the auditing and disbursing officers of the several counties, and to the auditor and treasurer of each city *and town*, [having a population of forty thousand inhabitants] a list of the articles and materials that can be produced by the labor of prisoners for the use of public institutions, [named in this act] *offices and departments of the Commonwealth, of the counties, and of the cities and towns*. No bill for any such articles or materials purchased for the use of said institutions, *offices or departments*, otherwise than from a prison, or from another institution, shall be allowed or paid unless it is accompanied by a certificate from the prison commissioners showing that a requisition therefor has been made and that the goods cannot be supplied from the prisons.

SECTION 3. Wherever the words "public institution", appear in the law relative to making goods by the labor of prisoners, as contained in chapter two hundred and twenty-five of the Revised Laws, and in chapter four hundred and fourteen of the acts of the year nineteen hundred and ten, they shall be construed to include

every office, department or institution of the Commonwealth, of any county, or of any city or town. The words "superintendent, officers and principal officers in charge", as used in said chapters, shall include the heads of all offices and departments.

SECTION 4. With the approval of the governor and council, the prison commissioners may expend from the Prison Industries Funds, such sums as are needed to rearrange or enlarge the shops for the purpose of carrying out the provisions of this act. They may also employ such additional help as the governor and council shall approve to make the needed arrangements with the institutions and departments that are concerned in the law relative to making goods for public use.

SECTION 5. Any officer who wilfully refuses or neglects to comply with the provisions of this or of any other act relative to the purchase of articles and materials from the prisons, shall be liable to a penalty of not more than one hundred dollars. [Approved May 6, 1912.]

CHAPTER 569.

AN ACT TO EXTEND THE TIME WITHIN WHICH CERTAIN APPLICATIONS FOR PENSIONS MAY BE MADE BY TEACHERS IN THE PUBLIC SCHOOLS OF THE CITY OF BOSTON.

SECTION 1. . . . [Amends acts of 1910, chapter 617, section 4.] *Section 4.* The school committee of said city during the year nineteen hundred and ten shall grant pensions to not less than sixty persons, who were annuitants of the Boston Teachers' Retirement Fund Association at the time when said chapter five hundred and eighty-nine took effect or teachers who had retired previous to said time, having taught in the public day schools for a period aggregating thirty years, twenty of which were in the public day schools of the city of Boston, at a rate not less than one hundred and eighty dollars per annum for each person, which shall be payable from the fund established under the provisions of this act, and during each year thereafter such a number of additional persons shall be pensioned as shall be necessary to keep on the roll the names of not less than sixty such persons: *provided*, that all such persons receiving pensions shall hold themselves subject to the call of said school committee to teach in case of need or emergency at the rates of pay current for substitutes at the time when they are so called; and *provided, further*, that no person shall be paid a pension under this section who shall not have made written application therefor to the secretary of said school committee [within three months after the passage of this act] *before the first day of August in the year nineteen hundred and twelve.*

SECTION 2. Persons who have been employed in teaching or supervising in the public schools of the town of Hyde Park prior to the first day of January, in the year nineteen hundred and twelve, and who then became members of the teaching or supervising staff of the public day schools of the city of Boston, shall be entitled to receive the benefits under chapter two hundred and thirty-seven of the acts of the year nineteen hundred, and chapter six hundred and seventeen of the acts of the year nineteen hundred and ten, in the same manner as if such service had been wholly rendered in the city of Boston.

SECTION 3. This act shall take effect upon its passage. [Approved May 7, 1912.]

CHAPTER 571.¹

AN ACT TO PERFECT IN DETAIL THE ACT RELATIVE TO PAYMENTS TO EMPLOYEES FOR PERSONAL INJURIES RECEIVED IN THE COURSE OF THEIR EMPLOYMENT, AND TO THE PREVENTION OF SUCH INJURIES.

CHAPTER 751, ACTS OF 1911 (AS AMENDED BY ACTS OF 1912, CHAPTERS 172 AND 571.)

AN ACT RELATIVE TO PAYMENTS TO EMPLOYEES FOR PERSONAL INJURIES RECEIVED IN THE COURSE OF THEIR EMPLOYMENT AND TO THE PREVENTION OF SUCH INJURIES.

PART I.

MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense:

1. That the employee was negligent;
2. That the injury was caused by the negligence of a fellow employee;
3. That the employee had assumed the risk of the injury.

SECTION 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by domestic servants and farm laborers.

SECTION 3. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by employees of a subscriber.

SECTION 4. The provisions of sections one hundred and twenty-seven to one hundred and thirty-five, inclusive, and of one hundred and forty-one to one hundred and forty-three, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and of any acts in amendment thereof, shall not apply to employees of a subscriber while this act is in effect.

SECTION 5. An employee of a subscriber shall be held to have waived his right of action at common law to recover damages for personal injuries if he shall not have given his employer, at the time of his contract of hire, notice in writing that he claimed such right, or if the contract of hire was made before the employer became a subscriber, if the employee shall not have given the said notice within thirty days of notice of such subscription. An employee who has given notice to his employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after it is delivered to the employer or his agent.

PART II.

PAYMENTS.

SECTION 1. If an employee who has not given notice of his claim of common law rights of action, as provided in Part I, section five, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment, he shall be paid compensation by the association, as hereinafter provided, if his employer is a subscriber at the time of the injury.

SECTION 2. If the employee is injured by reason of his serious and wilful misconduct, he shall not receive compensation.

SECTION 3 [as amended by acts of 1912, chapter 571]. If the employee is injured by reason of the serious and wilful misconduct of a subscriber or of any person regularly entrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the sub-

¹ In view of the many amendments made to Chapter 751, Acts of 1911, by Chapters 172 and 571, Acts of 1912, the text of the entire act, as amended, is printed here.

scriber shall repay to the association the extra compensation paid to the employee. *If a claim is made under this section the subscriber shall be allowed to appear and defend against such claim only.*

SECTION 4. No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury.

SECTION 5. During the first two weeks after the injury, the association shall furnish reasonable medical and hospital services, and medicines when they are needed.

SECTION 6. If death results from the injury, the association shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to one half his average weekly wages, but not more than ten dollars nor less than four dollars a week, for a period of three hundred weeks from the date of the injury. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the association shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury.

SECTION 7. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee: —

(a) A wife upon a husband with whom she lives at the time of his death.

(b) A husband upon a wife with whom he lives at the time of her death.

(c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

SECTION 8. If the employee leaves no dependents, the association shall pay the reasonable expense of his last sickness and burial, which shall not exceed two hundred dollars.

SECTION 9. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to one half his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor the amount more than three thousand dollars.

SECTION 10. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to one half the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury.

SECTION 11 [as amended by acts of 1912, chapter 571]. In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensations:

(a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the [entire and irrevocable loss of the sight of both eyes] *reduction to one-tenth of normal vision in both eyes with glasses*, one half of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

(b) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the [entire and irrevocable loss of the sight of either eye] *reduction to one tenth of normal vision in either eye with glasses*, one half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

(c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, or toes, one half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks.

(d) For the loss by severance of at least one phalange of a finger, thumb, or toe, one half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks.

SECTION 12. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the association be considered in fixing the compensation under this act.

SECTION 13. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative, to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act.

SECTION 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

SECTION 15. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the association or subscriber as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

SECTION 16 [as amended by acts of 1912, chapter 571]. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury[;], and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, *or by a person to whom payments may be due under this act or by a person in his behalf.* Any form of written communication signed by any person who may give the notice as above provided, which contains the information that the person has been so injured, giving the time, place and cause of the injury, shall be considered a sufficient notice.

SECTION 17. The notice shall be served upon the association, or an officer or agent thereof, or upon the subscriber, or upon one subscriber, if there are more subscribers than one, or upon any officer or agent of a corporation if the subscriber is a corporation, by delivering the same to the person on whom it is to be served, or

leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

SECTION 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead and the association was in fact misled thereby. Want of notice shall not be a bar to proceedings under this act, if it be shown that the association, subscriber, or agent had knowledge of the injury.

SECTION 19 [as amended by acts of 1912, chapter 571]. After an employee has [given notice of] *received* an injury [as provided by this act], and from time to time thereafter during the continuance of his disability he shall, if so requested by the association *or subscriber*, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the Commonwealth, furnished and paid for by the association *or subscriber*. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited.

SECTION 20. No agreement by an employee to waive his rights to compensation under this act shall be valid.

SECTION 21. No payment under this act shall be assignable or subject to attachment, or be liable in any way for any debts.

SECTION 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may in unusual cases be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the Industrial Accident Board.

Section 23 [as amended by acts of 1912, chapter 571]. The claim for compensation shall be in writing and shall state the time, place, cause and nature of the injury; it shall be signed by the person injured or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf, and shall be filed with the Industrial Accident Board. The failure to make a claim within the period prescribed by section fifteen shall not be a bar to the maintenance of proceedings under this act if it is found that it was occasioned by mistake or other reasonable cause.

PART III.

PROCEDURE.

SECTION 1 [as amended by acts of 1912, chapter 571]. There shall be an Industrial Accident Board consisting of [three] *five* members, to be appointed by the Governor, by and with the advice and consent of the Council, one of whom shall be designated by the Governor as chairman. The term of office of members of this board shall be [six] *five* years, except that when first constituted one member shall be appointed *for one year*, one for two years, *one for three years*, one for four years, and one for [six] *five* years. Thereafter one member shall be appointed every [second] year for the full term of [six] *five* years.

SECTION 2 [as amended by acts of 1912, chapter 571]. The salaries and expenses of the board shall be paid by the Commonwealth. The salary of the chairman shall be [sixty-five hundred] *five thousand* dollars a year, and the salary of the other members shall be [six thousand] *forty-five hundred* dollars a year each. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. It shall also be allowed an annual sum, not exceeding ten thousand

dollars, for clerical service, and travelling and other necessary expenses. The board shall be provided with an office in the state house or in some other suitable building in the city of Boston, in which its records shall be kept.

SECTION 3 [as amended by acts of 1912, chapter 571]. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be. The board or any member thereof shall have the power to subpoena witnesses, *administer oaths*, and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. *The fees for attending as a witness before the industrial accident board shall be one dollar and fifty cents a day, for attending before an arbitration committee fifty cents a day; in both cases five cents a mile for travel out and home.*

The superior court shall have power to enforce by proper proceedings the provisions of this section relating to the attendance and testimony of witnesses and the examination of books and records.

SECTION 4 [as amended by acts of 1912, chapter 571]. If the association and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the industrial accident board and, if approved by it, thereupon the memorandum shall for all purposes be enforceable [as a decree of the superior court] *under the provisions of Part III, section eleven.* Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

SECTION 5 [as amended by acts of 1912, chapter 571]. If the association and the injured employee fail to reach an agreement in regard to compensation under this act, either party may notify the Industrial Accident Board who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the Industrial Accident Board, and shall act as chairman. The other two members shall be named, respectively, by the two parties. *If the subscriber has appeared under the provisions of Part II, section three, the member named by the association shall be subject to his approval. If a vacancy occurs it shall be filled by the party whose representative is unable to act.*

The arbitrators appointed by the parties shall be sworn by the chairman as follows:
I do solemnly swear that I will faithfully perform my duty as arbitrator and will not be influenced in my decision by any feeling of friendship or partiality toward either party. So help me God.

SECTION 6 [as amended by acts of 1912, chapter 571]. It shall be the duty of the Industrial Accident Board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification, as above provided, *or after a vacancy has occurred*, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

SECTION 7 [as amended by acts of 1912, chapter 571]. The committee [of] on arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held [at the place] *in the city or town, where the injury occurred, and the decision of the committee, together with a statement of the evidence submitted before it, its findings of fact, rulings of law and any other matters pertinent to questions arising before it, shall be filed with the Industrial Accident Board.* Unless a claim for a review is filed by either party within seven days, the decision shall be enforceable [as if it were a decree of the superior court] *under the provisions of Part III, section eleven.*

SECTION 8. The Industrial Accident Board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and travelling expenses, but the board may allow additional reasonable amounts in extraordinary cases.

SECTION 9. The arbitrators named by or for the parties to the dispute shall each receive five dollars as a fee for his services, but the Industrial Accident Board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the association, which shall deduct an amount equal to one third of the sum from any compensation found due to the employee.

SECTION 10 [as amended by acts of 1912, chapter 571]. If a claim for a review is filed, as provided in Part III, section seven, the board shall hear the parties and *may hear evidence in regard to any or all matters pertinent thereto and may revise the decision of the committee in whole or in part, or may refer the matter back to the committee for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties thereof. No party shall as a matter of right be entitled to a second hearing upon any question of fact.*

SECTION 11 [as amended by acts of 1912, chapter 571]. [There shall be a right of appeal to the supreme judicial court on questions of law, and the Industrial Accident Board may report questions of law to the supreme judicial court for its determination.] *Any party in interest may present certified copies of an order or decision of the board, a decision of an arbitration committee from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the board, and all papers in connection therewith, to the superior court for the county in which the injury occurred or for the county of Suffolk, whereupon said court shall render a decree in accordance therewith and notify the parties. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact, or where the decree is based upon a decision of an arbitration committee or a memorandum of agreement, and that there shall be no appeal from a decree based upon an order or decision of the board which has not been presented to the court within ten days after the notice of the filing thereof by the board. Upon the presentation to it of a certified copy of a decision of the Industrial Accident Board ending, diminishing or increasing a weekly payment under the provisions of Part III, section twelve, the court shall revoke or modify the decree to conform to such decision.*

SECTION 12. Any weekly payment under this act may be reviewed by the Industrial Accident Board at the request of the association or of the employee; and on such review it may be ended, diminished or increased, subject to the maximum and minimum amounts above provided, if the board finds that the condition of the employee warrants such action.

SECTION 13. Fees of attorneys and physicians for services under this act shall be subject to the approval of the industrial accident board.

SECTION 14. If the committee of arbitration, Industrial Accident Board, or any court before whom any proceedings are brought under this act determine that such proceedings have been brought, prosecuted, or defended without reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them.

SECTION 15. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the association for compensation under this act, but not against both; and if compensation be paid under this act, the association may enforce in the name of the employee, or in its own name and for its own benefit, the liability of such other person.

SECTION 16 [as amended by acts of 1912, chapter 571]. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the Industrial Accident Board. The decisions of the Industrial Accident Board shall for all purposes be enforceable [as if they were decrees of the superior court] *under the provisions of Part III, section 11.*

SECTION 17. If a subscriber enters into a contract, written or oral, with an independent contractor to do such subscriber's work, or if such a contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contract with the subscriber, and the association would, if such work were executed by employees immediately employed by the subscriber, be liable to pay compensation under this act to those employees, the association shall pay to such employees any compensation which would be payable to them under this act if the independent or sub-contractors were subscribers. The association, however, shall be entitled to recover indemnity from any other person who would have been liable to such employees independently of this section, and if the association has paid compensation under the terms of this section, it may enforce in the name of the employee, or in its own name and for the benefit of the association, the liability of such other person. This section shall not apply to any contract of an independent or sub-contractor which is merely ancillary and incidental to, and is no part of or process in, the trade or business carried on by the subscriber, nor to any case where the injury occurred elsewhere than on, in, or about the premises on which the contractor has undertaken to execute the work for the subscriber or which are under the control or management of the subscriber.

SECTION 18. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the Industrial Accident Board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employee or, if such disability extends beyond a period of sixty days, at the expiration of such period the employer shall make a supplemental report on blanks to be procured from the board for that purpose.

The said reports shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex and occupation of the injured employee, and shall state the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offence.

PART IV.

THE MASSACHUSETTS EMPLOYEES INSURANCE ASSOCIATION.

SECTION 1. The Massachusetts Employees Insurance Association is hereby created a body corporate with the powers provided in this act and with all the general corporate powers incident thereto.

SECTION 2. The governor shall appoint a board of directors of the association, consisting of fifteen members, who shall serve for a term of one year, or until their successors are elected by ballot by the subscribers at such time and for such term as the by-laws shall provide.

SECTION 3. Until the first meeting of the subscribers the board of directors shall have and exercise all the powers of the subscribers, and may adopt by-laws

not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the subscribers.

SECTION 4. The board of directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws shall provide.

SECTION 5. Seven or more of the directors shall constitute a quorum for the transaction of business.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

SECTION 6. Any employer in the Commonwealth may become a subscriber.

SECTION 7. The board of directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his place of business not less than ten days before the date fixed for the meeting.

SECTION 8. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber has five hundred employees to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional five hundred employees to whom the association is bound to pay compensation, but no subscriber shall cast, by his own right or by the right of proxy, more than twenty votes.

SECTION 9. No policy shall be issued by the association until not less than one hundred employers have subscribed, who have not less than ten thousand employees to whom the association may be bound to pay compensation.

SECTION 10. No policy shall be issued until a list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within thirty days of the granting of a license to the association by the insurance commissioner to issue policies.

SECTION 11. If the number of subscribers falls below one hundred, or the number of employees to whom the association may be bound to pay compensation falls below ten thousand, no further policies shall be issued until other employers have subscribed who, together with existing subscribers, amount to not less than one hundred who have not less than ten thousand employees, said subscriptions to be subject to the provisions contained in the preceding section.

SECTION 12. Upon the filing of the certificate provided for in the two preceding sections the insurance commissioner shall make such investigation as he may deem proper and, if his findings warrant it, grant a license to the association to issue policies.

SECTION 13. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury.

Subscribers within each group shall annually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

SECTION 14. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium.

SECTION 15. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liability.

Every subscriber shall pay his proportional part of any assessments which may be laid by the association, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

SECTION 16. The board of directors may, from time to time, by vote fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred.

All premiums, assessments, and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all of the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association.

SECTION 17. Any proposed premium, assessment, dividend or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by the insurance commissioner after such investigation as he may deem necessary.

SECTION 18. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours.

Any subscriber or employee aggrieved by any such rule or regulation may petition the Industrial Accident Board for a review, and it may affirm, amend, or annul the rule or regulation.

SECTION 19. If any officer of the association shall falsely make oath to any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury.

SECTION 20. Every subscriber shall, as soon as he secures a policy, give notice, in writing or print, to all persons under contract of hire with him that he has provided for payment to injured employees by the association.

SECTION 21 [as amended by acts of 1912, chapter 571]. Every subscriber shall give notice in writing or print to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the association. *If an employer ceases to be a subscriber he shall, on or before the day on which his policy expires, give notice thereof in writing or print to all persons under contract with him. In case of renewal of the policy no notice shall be required under the provisions of this act. He shall file a copy of said notice with the Industrial Accident Board. The notices required by this and the preceding section may be given in the manner therein provided or in such other manner as may be approved by the Industrial Accident Board.*

SECTION 22. If a subscriber, who has complied with all the rules, regulations and demands of the association, is required by any judgment of a court of law to pay to an employee any damages on account of personal injury sustained by such employee during the period of subscription, the association shall pay to the subscriber the full amount of such judgment and the cost assessed therewith, if the subscriber shall have given the association notice in writing of the bringing of the action upon which the judgment was recovered and an opportunity to appear and defend the same.

SECTION 23. The provisions of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and of acts in amendment thereof shall apply to the association, so far as such provisions are pertinent and not in conflict with the provisions of this act, except that the corporate powers shall not expire because of failure to issue policies or make insurance.

SECTION 24. The board of directors appointed by the governor under the provisions of Part IV, section two, may incur such expenses in the performance of

its duties as shall be approved by the governor and council. Such expenses shall be paid from the treasury of the Commonwealth and shall not exceed in amount the sum of fifteen thousand dollars.

PART V.

MISCELLANEOUS PROVISIONS.

SECTION 1. If an employee of a subscriber files any claim with or accepts any payment from the association on account of personal injury, or makes any agreement, or submits any question to arbitration, under this act, such action shall constitute a release to the subscriber of all claims or demands at law, if any, arising from the injury.

SECTION 2. The following words and phrases, as used in this act, shall, unless a different meaning is plainly required by the context, have the following meaning:—

“Employer” shall include the legal representative of a deceased employer.

“Employee” shall include every person in the service of another under any contract of hire, express or implied, oral or written, except one whose employment is but casual, or is not in the usual course of the trade, business, profession or occupation of his employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable.

“Dependents” shall mean members of the employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury.

“Average weekly wages” shall mean the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than two weeks' time during such period then the earnings for the remainder of such twelve calendar months shall be divided by the number of weeks remaining after the time so lost has been deducted. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer, or the nature or terms of the employment, it is impracticable to compute the average weekly wages, as above defined, regard may be had to the average weekly amount which, during the twelve months previous to the injury, as being earned by a person in the same grade employed at the same work by the same employer; or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

“Association” shall mean the Massachusetts Employees Insurance Association.

“Subscriber” shall mean an employer who has become a member of the association by paying a year's premium in advance and receiving the receipt of the association therefor, provided that the association holds a license issued by the insurance commissioner as provided in Part IV, section twelve.

SECTION 3 [as amended by acts of 1912, chapter 571]. Any liability insurance company authorized to do business within this Commonwealth shall have the same right as the association to insure the liability to pay the compensation provided for by Part II of this act, and [a policy holder of] *when such liability company issues a policy conditioned to pay such compensation the holder of such policy shall be regarded as a subscriber so far as applicable within the meaning of this act, and when any such company insures such payment of compensation it shall be subject to [all the regulations and obligations imposed upon the association] the provisions of Parts I, I, III, and V and of section twenty-two of Part IV of this act, and shall file with the insurance department its classifications of risks and premiums relating thereto and any subsequent proposed classifications or premiums, none of which shall take effect until*

the insurance commissioner has approved the same as adequate for the risks to which they respectively apply.

SECTION 4 [as amended by acts of 1912, chapter 571]. Sections one hundred and thirty-six to one hundred and [forty] *thirty-nine*, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine are hereby repealed.

SECTION 5. The provisions of this act shall not apply to injuries sustained prior to the taking effect thereof.

SECTION 6 [as amended by acts of 1912, chapter 571]. Part IV of this act shall take effect on the first day of January, nineteen hundred and twelve; *sections one to three, inclusive, of Part III shall take effect on the tenth day of May, nineteen hundred and twelve*; the remainder thereof shall take effect on the first day of July, nineteen hundred and twelve. [*Original act, Chapter 751, Acts of 1911, approved July 28, 1911; amending act, Chapter 571, Acts of 1912, approved May 10, 1912.*]

CHAPTER 574.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO GRANT PENSIONS TO CERTAIN FORMER MEMBERS OF ITS FIRE DEPARTMENT.

SECTION 1. The city council of the city of Boston, with the approval of the mayor and of the fire commissioner of the city, is hereby authorized to grant a pension not exceeding one hundred and twenty-five dollars a year to all former call substitutes regularly rated as call men in the fire department of the said city, who served as such for not less than fifteen consecutive years, and who were honorably discharged from the department.

SECTION 2. This act shall take effect upon its passage. [*Approved May 11, 1912.*]

CHAPTER 635.

AN ACT RELATIVE TO TENEMENT HOUSES IN TOWNS.

PART I.

GENERAL PROVISIONS.

Short Title.

SECTION 1. This act shall be known as the Tenement House Act for Towns.

Definitions.

SECTION 2. Certain words in this act are defined for the purposes thereof as follows:— Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

(1) A "tenement house" is any house or building, or part thereof, which is rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged or designed to be occupied as the home or residence of more than two families (a family may consist of one or more persons) living independently of each other and having a common right in the halls, stairways, yard, cellar, sinks, water closets or privies, or any of them, and includes lodging and boarding houses, apartment houses, and flat houses. Dwelling houses built in continuous rows of more than two houses, occupied or intended, arranged or designed to be occupied as the home or residence of one family or more having a common right in or using in common the halls, stairways, yards, cellars, sinks, water closets or privies, or any of them, shall be deemed to be tenement houses and shall be subject to all the provisions of this act.

(2) A "lodging house" or "boarding house" is any house or building, or part thereof, in which six or more persons are harbored, received, or lodged for hire, or any building, or part thereof, which is used as a sleeping place or lodging for six or more persons not members of the family residing therein.

(3) A "yard" is an open unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the extreme rear line of the lot. An open unoccupied space between the front line of the house and the front line of the lot is a "front yard." A side yard shall be deemed an outer court on the lot line.

(4) A "half story" is any story included in the roof of which the floor area of the rooms is not more than seventy-five per cent of the area of the ground floor.

(5) A "court" is an open unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an "inner court." A court extending to the street or yard is an "outer court."

(6) A "public hall" is a hall, corridor or passageway not within an apartment.

(7) A "stair hall" includes the stairs, stair landings and those parts of the public halls through which it is necessary to pass in going from the entrance floor to the roof.

(8) A "basement" is a story partly but not more than one half below the level of the adjacent ground.

(9) A "cellar" is a story more than one half below the level of the adjacent ground.

(10) A "fireproof tenement house" is one constructed of fireproof material throughout, with floors built of iron, steel or reinforced concrete beams, filled in between with terra cotta or other masonry arches or with concrete or reinforced concrete slabs; wood may be used only for under and upper floors, windows and door frames, sashes, doors, interior finish, hand rails for stairs, necessary sleepers bedded in the cement, and for isolated furrings bedded in mortar. There shall be no air space between the top of any floor arches and the floor boarding.

(11) A "wooden building" is a building of which the exterior walls or a part thereof are wood.

(12) The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and furthermore, whatever is dangerous to human life or detrimental to health, whatever building or erection, or part or cellar thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to their or its intended or actual use, and whatever renders the air or human food or drink unwholesome, are also severally in contemplation of this act, nuisances; and all such nuisances are hereby declared unlawful.

(13) The word "shall" is always mandatory and not directory, and denotes that the house shall be maintained in all respects according to the mandate as long as it continues to be a tenement house.

(14) Wherever the words "by-laws", "regulations", "building inspector", or "board of health", occur in this act they shall be construed as if followed by the words "of the town in which the tenement house is situated". Wherever the words "is occupied" are used in this act, applying to any building, they shall be construed as if followed by the words "or is intended, arranged or designed to be occupied". Whenever the word "street" is used in this act, it shall be construed as including any public alley, railroad right of way, cemetery or public park, twenty feet or more in width.

(15) The "height" of a tenement house is the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot, where

such grade is higher than the curb, to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs, the measurements in all cases to be taken through the centre of the façade of the house. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the centre of the façade on the street having the lowest elevation.

(16) Occupied spaces. Outside stairways, fire escapes, porches, platforms and other projections shall be considered as part of the building and not as part of the yard or courts or unoccupied area.

(17) A "corner lot" is a lot situated at the junction of two streets, each not less than twenty feet in width. Any part of the width of such lot distant more than seventy feet from such junction shall not be regarded as part of a corner lot, but shall be subject to the provisions of this act respecting interior lots.

(18) An "interior lot" is any other lot than a corner lot.

(19) The front of a lot is that boundary line which borders on the street. In the case of a corner lot, the owner may elect by statement on his plans either street boundary line as the front. The rear of a lot is the side opposite to the front. In the case of a triangular or gore lot the rear shall be the side not bordering on a street.

Buildings Converted or Altered.

SECTION 3. A building not a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

Alterations and Change in Occupancy.

SECTION 4. No tenement house hereafter erected shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof is occupied by more families than are permitted under this act, or is erected or altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the board of health may cause the building to be vacated; and the building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

Law not to be Modified.

SECTION 5. The provisions of this act shall be held to be the minimum requirements adopted for the protection of the health and safety of the community. Nothing in this act shall be construed as prohibiting any town from enacting from time to time by-laws imposing further restrictions, but no regulation or ruling of any town authority shall repeal, amend, modify or dispense with any provision of this act.

Sewer Connection and Water Supply.

SECTION 6. The provisions of this act with reference to sewer connection and water supply shall be deemed to apply only where connection with a public sewer and with public water mains is or becomes practicable. The questions of the practicability of such sewer and water connections shall be decided by the local board of health, or by the state board of health upon request of the local board.

State Board of Health.

SECTION 7. The state board of health shall have power to examine into the enforcement of the laws relating to tenement houses in any town. Whenever required by the governor, it shall make such an examination and shall report the result thereof to the governor within the time prescribed by him therefor.

Time for Compliance.

SECTION 8. All improvements specifically required by this act in tenement houses erected prior to the date of its acceptance by a town shall be made within one year after said date, or at such earlier period as may be fixed by the board of health.

PART II.

NEW BUILDINGS.

TITLE 1. LIGHT AND VENTILATION.

Percentage of Lot Occupied.

SECTION 9. No tenement house hereafter erected shall occupy either alone or with other buildings more than sixty-five per cent of a corner lot, nor more than fifty per cent of any other lot; the measurements shall be taken at the ground level. No measurements of lot area shall include any part of any street or alley.

Distance from Side Lot Line.

SECTION 10. No non-fireproof tenement house shall hereafter be erected, enlarged, or placed with the side walls nearer than ten feet to the line of any adjoining lot, or with any wall nearer than twenty feet to the wall of any other building. No lot upon which a tenement house stands shall be changed in size to bring the side-walls of said house nearer than ten feet to the lines of any adjoining lot or any wall of said house nearer than twenty feet to the wall of any other building.

Height.

SECTION 11. No tenement house hereafter erected shall exceed in height the width of the widest street upon which it stands, unless such house be set back from the street a distance at least equal to the excess of such height over the width of such street, nor shall it in any case exceed four stories in height.

Yards.

SECTION 12. Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky unobstructed. Every part of the yard shall be directly accessible from every other part thereof. The depth of the yard shall be measured from the extreme rear of the house to the rear line of the lot. If the tenement house is three stories or less in height the depth of the yard, in the case of interior lots, shall be at least twenty-five feet, and the depth of the yard in the rear of corner lots shall be at least fifteen feet. If the tenement house exceeds three stories in height, the depths above prescribed in each case shall be increased five feet for each story above three stories.

Courts.

SECTION 13. The sizes of all courts in tenement houses hereafter erected shall be proportionate to the height of the building. No court shall be less in any part than the minimum sizes prescribed in this section. The minimum width of a court for a two story building shall be ten feet, and the width shall increase two feet for each additional story. The length of an inner court shall never be less than twice the minimum width prescribed by this section. The length of an outer court shall never be greater than twice its minimum width, but this limitation of length shall not apply to an outer court on the lot line extending from yard or street to yard.

Courts Open at Top.

SECTION 14. No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every court shall be at every point open from the ground to the sky unobstructed.

Air Intakes.

SECTION 15. In every tenement house hereafter erected every inner court shall be provided with two or more horizontal air intakes at the bottom. One such intake shall always communicate directly with the street, and one with the yard, and each shall consist of a fireproof passageway not less than three feet wide and seven feet high which shall be left open, or be provided with an openwork gate at each end, and the gate shall not be covered in any way either by glass or any other material.

Angles in Courts.

SECTION 16. Nothing contained in the foregoing sections concerning courts shall be construed as preventing windows at the angles of said courts: *provided*, that the running length of the wall containing such windows does not exceed six feet.

Buildings on Same Lot with Tenement Houses.

SECTION 17. If any building is hereafter placed on the same lot with a tenement house there shall always be maintained between the said buildings an open unoccupied space extending upward from the ground and extending across the entire width of the lot. Such space shall never be less than twenty-five feet in depth, and where either building exceeds three stories in height the depth of the open space shall be increased five feet for each story above three stories. And no building of any kind shall hereafter be placed upon the same lot with a tenement house so as to decrease the minimum size of courts or yards as hereinbefore prescribed. If any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this act, and in addition the space between the said building and the said tenement house shall be of the size and arranged in the manner prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

Frontage on Street.

SECTION 18. Every tenement house hereafter erected shall have an unobstructed frontage upon a street not less than twenty feet wide. No tenement house and no other building shall hereafter be erected, enlarged or placed on the same lot with a tenement house in such manner that any tenement house shall be left without an unobstructed frontage upon a street not less than twenty feet wide.

Rooms, Lighting and Ventilation of.

SECTION 19. In every tenement house hereafter erected every room, including water closet compartments and bathrooms, shall have at least one window opening directly upon the street or upon a yard or court of the dimensions specified in Part II of this act and the window shall be so located as properly to light all parts of the rooms.

Windows in Rooms.

SECTION 20. In every tenement house hereafter erected the total window area in each room, including water closet compartments and bath rooms shall be at least one seventh of the superficial area of the room, and the top of at least one window shall be not more than eight inches below the ceiling, and the upper half

of it shall be made so as to open the full width. At least one such window in rooms other than bathrooms or water closets shall be not less than twelve square feet in area between the stop beads; and in water closet compartments and bathrooms at least one such window shall be not less than six square feet in area between the stop beads.

Rooms, Size of.

SECTION 21. In every tenement house hereafter erected there shall be in each apartment at least one room containing not less than one hundred and fifty square feet of floor area. All rooms shall be in every part not less than nine feet from the finished floor to the finished ceiling, except that an attic room need be nine feet high in but one half of its area.

Alcoves and Alcove Rooms.

SECTION 22. In a tenement house hereafter erected an alcove in any room shall be lighted and ventilated separately, as provided for rooms in the foregoing sections, and shall not be less than one hundred square feet in area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless the part of the room so enclosed or subdivided shall contain a separate window as herein required and shall have a floor area of not less than one hundred square feet.

Chimneys and Fireplaces.

SECTION 23. In every tenement house hereafter erected there shall be adequate chimneys running through every floor with an open fireplace or grate or place for a stove, for every apartment, properly connected with one of the chimneys.

Privacy.

SECTION 24. In every tenement house hereafter erected, in each apartment access to every living room and bedroom, and to at least one water closet compartment shall be had without passing through a bedroom or bathroom.

Public Halls.

SECTION 25. In every tenement house hereafter erected, every public hall shall have at each story at least one window opening directly upon the street or upon a yard or court of the dimensions specified in Part II of this act. Such window shall be at the end of said hall with the plane of the window at right angles to the hall's axis. Any part of a public hall which is in any way shut off from any other part of the hall shall be deemed a separate hall within the meaning of this section.

Windows for Public Hall, Sizes of.

SECTION 26. One at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads, and the top of the window shall be not more than eight inches below the ceiling. In every such house there shall be in the roof, directly over each stair well, a ridge ventilator having a minimum opening of forty square inches and with movable louvres.

Windows for Stair Halls, Size of.

SECTION 27. In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall which shall be at least two feet six inches wide and five feet high measured between the stop

beads. A sash door shall be deemed the equivalent of the window specified in this section and the two foregoing sections, provided that each door contains the amount of glazed surface prescribed for such windows.

TITLE 2. SANITATION.

Basement and Cellar Rooms.

SECTION 28. In tenement houses hereafter erected no room in the basement or cellar shall be constructed, altered, converted or occupied for living purposes.

Cellars, Damp Proofing and Lighting of.

SECTION 29. Every tenement house hereafter erected shall have the walls below the ground level, and the cellar floor damp-proof. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts to the satisfaction of the board of health.

Spaces under Floors.

SECTION 30. In any tenement house hereafter erected, under any part of which there is no cellar, the first or ground floor shall be at least two feet above the ground beneath and that adjacent thereto, and the space beneath such floor shall be kept free and clear, and shall be inclosed to prevent the accumulation of rubbish, but provided with ample ventilation and adequate drainage.

Courts, Areas and Yards.

SECTION 31. In every tenement house hereafter erected all courts, areas and yards shall be properly graded and drained; and when necessary in order to keep such premises in a sanitary condition such courts, areas or yards, or such part thereof as the board of health shall order, shall be properly concreted.

Sinks.

SECTION 32. In every tenement house hereafter erected there shall be provided in each apartment a proper sink.

Water Closets.

SECTION 33. In every tenement house hereafter erected there shall be within each apartment a separate water closet, located in a bathroom or in a separate compartment. Each such water closet shall be completely separated from every other water closet. Said compartment shall be not less than three feet wide, and shall be enclosed with plastered partitions which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum size prescribed by this act. Every water closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. The floor of every such water closet compartment shall be made waterproof with asphalt, tile, stone, or some other non-absorbing waterproof material; and such waterproofing shall extend at least six inches above the floor so that the floor can be washed or flushed out without leaking. If the water closet is in a bathroom, it shall be sufficient to waterproof the floor directly beneath the fixture and extending one foot beyond it in each direction. No drip trays shall be permitted. No water closet fixtures shall be enclosed with any wood-work. No water closet shall be placed in the cellar.

Plumbing.

SECTION 34. In every tenement house hereafter erected no plumbing fixtures shall be enclosed with woodwork. All plumbing pipes shall be exposed except as otherwise permitted by the board of health. Wherever plumbing or other pipes pass through floors or partitions the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room. All plumbing work shall be sanitary in every particular and, except as otherwise specified in this act, shall be in accordance with the local plumbing regulations. Pan and long hopper closets shall not be used.

Water Connection.

SECTION 35. In every tenement house hereafter erected all sinks and water closets shall be provided with an adequate supply of running water as approved by the board of health.

Privies and Privy Vaults.

SECTION 36. No privy or privy vault shall be permitted on the same lot with any tenement house hereafter erected.

Sewer Connection.

SECTION 37. Every tenement house hereafter erected on a street in which there is a public sewer, or in which a public sewer shall hereafter be placed, shall be connected therewith.

Cesspools.

SECTION 38. No cesspool shall be permitted in the cellar or court of any tenement house, nor within fifteen feet of any wall of said tenement house, or of any dwelling house.

TITLE 3. FIRE PROTECTION.

Fireproof Tenement, when required.

SECTION 39. No tenement house shall hereafter be erected exceeding two and one half stories in height, nor shall it be occupied, nor intended, arranged or designed to be occupied, by more than two families, unless it be a fireproof tenement house.

Stairs.

SECTION 40. Every tenement house hereafter erected shall have at least two independent flights of stairs with separate entrances leading from the entrance floor to the top story, said flights of stairs being at two points as far apart as is possible in the opinion of the building inspector. Said stairs shall be directly accessible from each apartment, without passing through any other apartment. One of said flights of stairs may consist of outside, open stairs and balconies. All stairs and balconies and all public halls shall be at least three feet wide in the clear. All stairs shall be constructed with a rise of not more than seven and one half inches and with treads not less than ten and one half inches wide, and not less than three feet long in the clear. Winders shall not be permitted in any staircase.

Cellar Entrance.

SECTION 41. In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of the building.

Fire Walls.

SECTION 42. Where non-fireproof tenement houses are built in the form of double houses or terraces, or attached or semi-detached rows, there shall be a fire-proof wall of brick, concrete, terra cotta or other hard, incombustible material approved by the inspector of buildings, separating every such house from each adjoining house, and the said wall shall have no openings therein, and shall extend from the floor of the basement or cellar to the underside of the sheathing of the roof, and out to the boarding of the walls. No wooden beams shall be carried through the fire walls.

Roofing Materials.

SECTION 43. Every tenement house hereafter erected shall have the roof in all parts and the sides of all dormer windows covered with incombustible material satisfactory to the building inspector.

Wooden Tenement Houses.

SECTION 44. In no wooden tenement house hereafter erected shall any story or part thereof above the second story be rented, leased, let or hired out to be occupied for housekeeping, nor shall it be intended, arranged or designed to be occupied for housekeeping, nor shall any provision be made for cooking nor shall any cooking be done above the second story.

PART III.

IMPROVEMENTS.

Rooms, Lighting and Ventilating of.

SECTION 45. No room in a tenement house erected prior to the acceptance of this act shall hereafter be occupied for living purposes unless it shall have a window opening directly upon the street, or upon a yard not less than ten feet deep, or above the roof of an adjoining building, or upon a court of not less than thirty square feet in area open to the sky without roof or skylight.

Public Halls, Lighting and Ventilating of.

SECTION 46. In every tenement house erected prior to the acceptance of this act, the public halls and stairs shall be provided with sufficient light to permit the reading of twelve point type in the daytime in any part thereof. Light and ventilation in such halls shall be to the outer air except when in the opinion of the building inspector it is impracticable, in which case the lighting and ventilation shall be such as to meet the approval of the board of health. All new skylights hereafter placed in such house shall be provided with ridge ventilators having a minimum opening of forty square inches, and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by the building inspector.

Sinks.

SECTION 47. In every tenement house erected prior to the acceptance of this act, the woodwork enclosing sinks located in the public halls or stairs shall be removed and the spaces underneath shall be left open. The floors and wall surfaces beneath and around the sink shall be put in good order and repair, and if of wood shall be well painted with light-colored paint.

Water Closets.

SECTION 48. In every tenement house erected prior to the acceptance of this act, the woodwork enclosing every water closet fixture shall be removed, and the space underneath the seat shall be left open. The floor or other surfaces beneath and around the closet shall be put in good order and repair, and if of wood shall be well painted with light-colored paint.

Privy Vaults, School-sinks and Water Closets.

SECTION 49. In every tenement house erected prior to the acceptance of this act, where a connection with a sewer is possible, all school-sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall within one year after the acceptance of this act be completely removed, and the place where they were located properly disinfected under the direction of the board of health. Such appliances shall be replaced by individual water closets of durable non-absorbent material, properly sewer-connected, with individual traps and properly connected flush tanks providing an ample flush of water thoroughly to cleanse the bowl. Each water closet shall be located inside the tenement house in a compartment completely separated from every other water closet, and such compartment shall contain a window of not less than three square feet in area opening directly upon the street or yard, or on a court of the minimum size prescribed in section thirteen of this act. The floors of the water closet compartments shall be waterproof as provided in section thirty-three of this act. There shall be provided at least one water closet for every two families in every tenement house existing on the day when this act takes effect. Such water closets and all plumbing in connection therewith shall be sanitary in every respect, and except as otherwise provided in this section shall be in accordance with the laws, town by-laws and regulations in relation to plumbing and drainage. Pan and long hopper closets shall not be used.

Basements and Cellars.

SECTION 50. The floor of the cellar or lowest floor of every tenement house shall be free from dampness, and, when necessary, shall be concreted with four inches of concrete of good quality and with a finished surface. The cellar ceiling of every tenement house shall be plastered, when so required by the building inspector, except where the ceiling is already well sheathed with matched boards or well covered with a metal ceiling, or where the first floor above the cellar is constructed of iron beams and fireproof filling.

Shafts and Courts.

SECTION 51. In every tenement house there shall be, at the bottom of every shaft and court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned: *provided*, that where there is already a window giving proper access to such shaft or court, such window shall be deemed sufficient.

Fire Escapes.

SECTION 52. All non-proof tenement houses erected prior to the acceptance of this act, which are three or more stories in height, which do not have fireproof stairs and stair halls or adequate fire escapes, as hereinafter required, shall be provided either with fireproof outside stairways or with fireproof fire escapes directly accessible from each apartment without passing through a public hall.

No existing fire escape shall be deemed adequate unless the following conditions are complied with.

- (1) In every tenement house each apartment above the ground floor shall have a fire escape balcony directly accessible from it.
- (2) All balconies shall be properly connected with each other by adequate stairs or stationery ladders with openings not less than twenty-four by thirty-six inches.
- (3) All fire escapes shall have proper ladders from the lowest balcony of sufficient length to reach a safe landing place beneath.
- (4) All fire escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or to adjoining premises.
- (5) Prompt and ready access shall be had to all fire escapes, which shall not be obstructed in any way.

No existing fire escape shall be extended or have its location changed except with the written approval of the inspector of buildings.

All fire escapes hereafter placed on tenement houses erected prior to the acceptance of this act shall be located and constructed as follows: All such fire escapes shall open directly from at least one room or private hall in each apartment at each story above the ground floor, other than a bathroom or water closet compartment, and such room or private hall shall be accessible to every room thereof without passing through a public hall. Access to fire escapes shall not be obstructed in any way. Fire escapes shall not be placed in any court. Fire escapes may project into a public street, but not more than four feet beyond the building line. All fire escapes shall consist of outside fireproof balconies and stairways. All balconies shall be not less than three feet in width and shall include at least one window or outside door of each apartment at each story above the ground floor.

All fire escape stairways shall be placed at an angle of not more than forty-five degrees, with flat open steps, not less than nine inches in width and twenty-four inches in length, and with a rise of not more than nine inches. The openings for stairways in all balconies shall be not less than twenty-four by thirty-six inches, and shall have no covers of any kind. When tenement houses upon which fire escapes are placed have flat roofs the balcony on the top floor, except in the case of a balcony on the street, shall be provided with a stairs or with a goose-neck ladder leading from the balcony to and above the roof and properly fastened thereto. A drop ladder or stairs shall be provided from the lowest balcony of sufficient length to reach to a safe landing place beneath. All fire escapes shall be constructed and erected to sustain safely in all their parts any reasonable load. In addition to the foregoing requirements, all fire escapes hereafter erected upon tenement houses shall be constructed in accordance with such supplementary regulations as may be adopted by the building department.

Means of Egress.

SECTION 53. Whenever a tenement house is not provided with sufficient fire escapes or with sufficient means of egress in case of fire, the building inspector shall order such additional fire escapes and other means of egress as may be necessary.

PART IV.

ALTERATIONS.

General Provisions.

SECTION 54. No tenement house erected prior to the acceptance of this act shall at any time be altered so as to be in violation of the requirements of Part II of this act, except as hereinafter provided.

(1) Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of Part II of this act, except that such rooms may be of the same height as the other rooms in the same story of the house.

(2) All shafts shall be fireproof throughout; with fireproof self-closing doors at all openings, at each story; and if they extend to the cellar, shall also be enclosed in the cellar with fireproof walls and fireproof self-closing doors at all openings. In no case shall any shaft be constructed of materials in which any inflammable material or substance enters into any of the component parts. But nothing in this section contained shall be so construed as to require such enclosures about elevators or dumb-waiters in the wellhole of stairs where the stairs themselves are enclosed in brick or stone walls, and are entirely constructed of fireproof materials as hereinafter provided.

(3) No wooden tenement house containing more than two apartments shall hereafter be enlarged or extended; except that a wooden extension not exceeding in total area seventy square feet may be added to an existing wooden tenement house, provided that such extension is used solely for bathrooms or water closets.

PART V.

MAINTENANCE.

Public Halls, Lighting of, in the Daytime.

SECTION 55. In every tenement house where the public halls and stairs are not in the opinion of the board of health sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

Public Halls, Lighting at Night.

SECTION 56. In every tenement house occupied by more than two families a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening.

Water Closets in Cellars.

SECTION 57. No water closet shall be permitted in the cellar of any tenement house.

Water Closet Accommodations.

SECTION 58. In every tenement house existing prior to the acceptance of this act there shall be provided at least one water closet for every two families.

Basement and Cellar Rooms.

SECTION 59. Hereafter in tenement houses erected prior to the acceptance of this act no room in the cellar shall be occupied for living purposes. And no room in the basement of such houses shall be so occupied, unless all the following conditions are complied with: —The room shall be at least eight feet high in every part from the floor to the ceiling. There shall be appurtenant to the room the use of a water closet. The room shall have a window opening directly upon the street or yard of at least twelve square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation. The lowest floor shall be waterproof and damp-proof. The room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

Cellar Walls and Ceilings.

SECTION 60. The cellar walls and ceilings of every tenement house shall be thoroughly whitened or painted a light color by the owner, and shall be so maintained. The whitening or paint shall be renewed whenever necessary, as may be required by the board of health.

Water Closets and Sinks.

SECTION 61. In all tenement houses the floor or other surface beneath and around water closets and sinks shall be maintained in good order and repair, and if of wood shall be kept well painted with light colored paint.

Repairs.

SECTION 62. Every tenement house and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained, and conveyed therefrom, as to prevent dampness in the walls, ceilings, yards or areas.

Water Supply.

SECTION 63. Every tenement house shall have water furnished in sufficient quantity at one or more places in each apartment. The owner shall provide proper and suitable tanks, pumps, or other appliances to receive and distribute an adequate and sufficient supply of water at each apartment in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the town authorities shall not be construed to be a failure on the part of the owner, provided that proper and suitable appliances to receive and distribute the water have been provided in the house.

Cleanliness of Buildings.

SECTION 64. The owner of every tenement house shall cause every part thereof to be kept clean and free from any accumulation of dirt, filth and garbage or other refuse matter in or on the same, or in the cellars, halls, passages, rooms, areas, yards, courts, and spaces appurtenant thereto. The owner shall thoroughly cleanse every part of the tenement house, whenever ordered so to do by the board of health.

Walls of Courts.

SECTION 65. The walls of all courts, unless built of a light colored brick or stone, shall be thoroughly whitened by the owner, or shall be painted a light color by him, and shall be so maintained. The whitening or paint shall be renewed whenever necessary, as may be required by the board of health.

Walls and Ceilings of Rooms.

SECTION 66. In all tenement houses, the board of health may require the walls and ceilings of every room that does not open directly on the street to be whitened or painted with white paint when that is necessary to improve the lighting of such room, and may require this to be renewed as may be necessary.

Wall Paper.

SECTION 67. No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and the wall and ceiling thoroughly cleaned.

Receptacles for Ashes, Garbage and Rubbish.

SECTION 68. The owner of every tenement house shall provide and maintain therefor suitable covered water-tight receptacles for ashes, rubbish, garbage, refuse and other matter.

Prohibited Uses.

SECTION 69. No swine shall be kept in a tenement house, or on the same lot therewith. No horse, cow, calf, sheep, goat or fowl shall be kept in a tenement house, or on the same lot therewith within twenty-five feet of the tenement house. No tenement house, and no lot upon which it is located, shall be used for the storage or handling of rags, or as a place of public assemblage.

Combustible Materials.

SECTION 70. No tenement house, and no part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers, rags or other easily combustible articles.

Bakeries and Fat Boiling.

SECTION 71. No bakery and no place of business in which fat is boiled shall be maintained in any tenement house.

Other Dangerous Businesses.

SECTION 72. There shall be no transom, window or door opening into a hall from any part of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise.

Janitor or Housekeeper.

SECTION 73. In any tenement house in which the owner thereof does not reside, there shall be a janitor, housekeeper or other responsible person who shall reside in said house and have charge of the same, if the board of health shall so require.

Overcrowding.

SECTION 74. If a room in a tenement house is overcrowded, the board of health may order the number of persons sleeping or living in that room to be so reduced that there shall be not less than four hundred cubic feet of air to each adult, and three hundred cubic feet of air to each child under twelve years of age occupying the room.

Repairs to Buildings, etc.

SECTION 75. Whenever any tenement house or building, structure, excavation, business pursuit, matter or thing, in or about a tenement house, or the lot in which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is in the opinion of the board of health in a condition, or in effect, dangerous or detrimental to life or health, the board may declare that the same, to the extent which it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. The board shall also order or cause any tenement house or part thereof, or any excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, matter or thing, in or about a tenement house, or the lot in which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired, or improved. If any order of the board is not complied with, within ten days after the service thereof, or within such shorter time as the board may designate, then such order may be executed by said board through its officers, agents, employees or contractors.

Infected and Unhabitable Houses to be Vacated.

SECTION 76. Whenever it shall be certified by an inspector or officer of the board of health that a tenement house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of the house, the board may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than twenty-four hours nor more than ten days, for reasons to be mentioned in said order. In case such order is not complied with within the time specified, the board may cause the tenement house, or part thereof, to be vacated. The board whenever it is satisfied that the danger from said house or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time for complying with the same.

Fire Escapes.

SECTION 77. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever they become rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire escape.

Scuttles, Bulkheads, Ladders and Stairs.

SECTION 78. All scuttles and bulkheads, and all stairs or ladders leading thereto, shall be easily accessible to all tenants of the building, and kept free from incumbrance and ready for use at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

PART VI.

REQUIREMENTS AND REMEDIES.

SECTION 79. In a town which accepts the provisions of this act, the selectmen shall annually appoint an inspector of buildings.

Permit to commence Building.

SECTION 80. Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is begun, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner shall submit to the board of health and to the building inspector, separately, a detailed statement in writing, verified by the affidavit of the person making the same, of the specifications for such tenement house or building, upon blanks or forms to be furnished by such departments, and also full and complete copies of the plans of the work. The said statement shall give in full the name and residence, by street and number, of the owner or owners of the tenement house or building. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in the tenement house, either as owner, lessee or in any representative capacity. The affidavit shall allege that said specifications and plans are true and contain a correct description of such tenement house, building, structure, lot and proposed work. The statements and affidavit

herein provided for may be made by the owner, or by the person who proposes to make the construction, alteration or conversion, or by his agent. No person, however, shall be recognized as the agent of the owner, unless he shall file with the town clerk a written instrument, signed by the owner, designating him as such agent. Any false swearing in a material point in any such affidavit shall be deemed perjury. The said specifications, plans and statements shall be filed in the office of the town clerk and shall be public records, and no such specifications, plans or statements shall be removed from said office. The board of health and the building inspector shall cause all such plans and specifications to be examined.

If such plans and specifications conform to the provisions of law they shall be approved by the building inspector, and a written certificate to that effect shall be issued by him to the person submitting the same, and he may from time to time approve changes in any plans and specifications, provided the plans and specifications, as altered, are in conformity with law, but the building inspector shall not approve any plans or specifications or any changes in the same until the board of health has certified that the said plans and specifications conform to the law relative to light, ventilation and sanitation. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be begun until the filing of the said specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of any such house, building or structure, shall be in accordance with the said approved specifications and plans. Any permit or approval which may be issued by the building inspector but under which no work has been done above the foundation walls within one year from the time of the issuance of the permit or approval, shall expire by limitation. Said inspector shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any provision of this act, or in case any false statement or representation is made in any specifications, plans or statements submitted or filed for such permit or approval.

Certificate of Compliance.

SECTION S1. No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the building inspector that the building conforms in all respects to the requirements of law, and the building inspector shall not issue said certificate until the board of health certifies to him that the building conforms to all requirements of law relative to the light, ventilation and sanitation of tenement houses. Upon notice of the completion of the construction, alteration or conversion of a tenement house, it shall be the duty of the building inspector and of the board of health to inspect the building forthwith, and the building inspector shall issue a certificate of compliance within five days after written application therefor, if the building at the date of such application is found to conform to the requirements of this act.

Procedure and Penalties.

SECTION S2. Any court having jurisdiction in equity, or any justice thereof shall upon the application of any town by its attorney have jurisdiction in equity to restrain the construction, alteration, repair, maintenance, use, or occupation of a building or structure in violation of the provisions of this act and to order its removal or abatement as a nuisance, and to compel compliance with any of the provisions of this act.

SECTION S3. A building or structure which is erected, altered, maintained or used in violation of the provisions of this act shall be deemed a common nuisance without other proof thereof than proof of such unlawful construction, maintenance

or use and the building inspector may, and if said violation is of any section of this act relative to light, ventilation and sanitation of said building shall, if required in writing by the board of health, order the owner of said premises at his own expense to abate or remove said nuisances within twenty-four hours, or within such further time as said board considers reasonable after notice to be served in the manner provided in section ninety and if the owner or occupant fails to comply with such order, the board may abate or remove the nuisance and all expenses incurred thereby shall be paid by the person who caused or permitted the same.

SECTION 84. Whoever violates any provision of this act shall be punished by a fine of not less than ten dollars. Any person who violates any provision of this act, having been served with a notice or order as provided by section ninety or who fails to comply with such notice or order within ten days after such service or continues to violate any provision or requirement of this act in the respect named in said notice or order, shall be subject to an additional fine of not less than five dollars and not more than twenty dollars for each day after the first during which the violation continues.

SECTION 85. Any person, the value of whose property may be affected by any action of the board of health or the building inspector, may have the action of said board of health or said building inspector reviewed by the superior court by any appropriate process, provided proceedings are instituted within ten days after such action.

SECTION 86. Any person having any duty to perform in regard to any building or premises under the provisions of this act may, if necessary for the performance of such duties, enter any building or premises.

Liens.

SECTION 87. Every fine imposed by judgment under section eighty-four of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of the judgment in the office of the register of deeds for the county or district in which the tenement house is situated, subject only to taxes, assessments and water rates and other existing lawful incumbrances, and it shall be the duty of the board of health and the building inspector upon the entry of said judgment, forthwith to file the copy as aforesaid, and the copy, upon such filing, shall forthwith be indexed by the clerk in an index of municipal liens.

Lis Pendens.

SECTION 88. In any action or proceeding instituted by the departments charged with the enforcement of this act, the plaintiff or petitioner may file in the office of the register of deeds for the county or district where the property affected by such action or proceeding is situated, a notice of the pendency of the action or proceeding. The register of deeds with whom the notice is filed shall record it, and shall index it under the name of each person against whom said proceeding is instituted. Any such notice may be vacated by the order of a justice of the court in which the action or proceeding was instituted or is pending. The register of deeds of the county or the district where the notice is filed is hereby directed to mark the notice and any record or docket thereof as cancelled of record, upon the presentation and filing of a certified copy of such order.

Registry of Owner's Name.

SECTION 89. The owner of a tenement house and every lessee of the whole house or of two or more tenements therein, or the agent of the owner or other person having control of a tenement house, shall annually during the month of April file in the office

of the town clerk a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the board of health and building inspector easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. The notice shall contain the name and address of some agent for the house, for the purpose of receiving service of process, and notice to and service of process upon such agent shall bind the principal.

Service of Notices and Orders.

SECTION 90. Unless otherwise provided in this act, every notice or order in relation to a tenement house shall be served ten days before the time for doing the thing in relation to which it is issued. The service of notice or orders as aforesaid shall be made by the delivery of an attested copy in hand to the owner or his agent, duly registered as provided in section eighty-nine or by leaving an attested copy at the last or usual place of abode of the owner or agent, or, if the owner is a non-resident and has no agent duly appointed, as provided in section eighty-nine it shall be posted in a conspicuous place in said tenement house and a copy thereof mailed by a registered letter on the same day on which it is posted, to the owner or his agent at the residence designated in the notice provided by section eighty-nine.

Service of Summons.

SECTION 91. In any action brought by any town official in relation to a tenement house for injunction, vacating of the premises or other abatement of nuisance, or to establish a lien thereon, service of process shall be in the manner provided in the preceding section, except that the service of process shall be made only by a sheriff or one of his deputies or by a constable.

Indexing Names.

SECTION 92. The names and addresses filed in accordance with section eighty-nine shall be indexed by the town clerk in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable. The town clerk shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the town. Said indexes shall be public records, open to public inspection during business hours.

Laws Repealed.

SECTION 93. All acts and parts of acts inconsistent herewith are hereby repealed, and upon acceptance of this act by any town all by-laws and regulations of such town inconsistent herewith are hereby annulled.

When to take Effect.

SECTION 94. This act shall take effect in any town upon its acceptance by vote of the town at an annual town meeting or at a legal meeting called for the purpose; and for the purpose of being submitted to the voters, as aforesaid, this act shall take effect upon its passage. [Approved May 23, 1912.]

CHAPTER 651.

AN ACT TO PROHIBIT DISCRIMINATION IN THE SALE OF COMMODITIES.

SECTION 1. Any person, firm, association or corporation, foreign or domestic, doing business in the commonwealth and engaged in the production, manufacture or distribution of any commodity in general use, that shall maliciously, or for the

purpose of destroying the business of a competitor and of creating a monopoly in any locality, discriminate between different sections, communities, towns or cities of this commonwealth or between purchasers by selling such commodity at a lower rate for such purpose in one section, community, town or city than is charged for such commodity by the vendor in another section, community, town or city in the commonwealth, after making due allowance for the difference, if any, in the grade or quality and in the cost of transportation, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful.

SECTION 2. It shall be unlawful for any person, firm, association or corporation to combine with any other person, firm, association or corporation for the purpose of destroying the trade or business of any person, firm, association or corporation, engaged in selling goods or commodities and of creating a monopoly within this commonwealth, and any such combination is hereby prohibited and declared unlawful.

SECTION 3. Any person, firm, association or corporation found guilty of violating any provisions of this act, if an individual, shall be punished by a fine of not less than five hundred dollars or more than five thousand dollars, or by imprisonment for not less than one month or more than one year, or by both such fine and imprisonment; and if the offender is a corporation, then by a fine as aforesaid.

SECTION 4. Whoever, in his individual capacity, or acting in behalf of any firm, association or corporation, for the purpose of evading any provision of this act, shall appoint agents, secure or hold the control of corporate stock, or by agreement with any other person, firm, association or corporation, cause any of the commodities mentioned in section one to be sold for the purpose of such evasion or attempt to evade, shall be punished by imprisonment in the state prison for not less than six months or not more than five years, if an individual; and if any of the acts specified in this section are done by a corporation, then the directors, stockholders or agents authorizing such evasion or discrimination shall each be held guilty thereof, and shall be punished in the manner provided in this section for individuals.

SECTION 5. All contracts or agreements made in violation of any provision of this act shall be void.

SECTION 6. It shall be the duty of the district attorneys, in their districts, and of the attorney-general, to enforce the provisions of this act by appropriate actions in courts of competent jurisdiction, but nothing herein shall limit the right of any court to issue warrants and make commitments to await the action of the grand jury under this act in the case of crimes under the common law, and such power is hereby given to the courts of the commonwealth.

SECTION 7. If complaint shall be made to the secretary of the commonwealth that any person, firm, association or corporation authorized to do business in this commonwealth is guilty of any violation of this act, it shall be the duty of the secretary of the commonwealth to refer the matter to the attorney-general, who shall, if the facts justify it in his judgment, institute proceedings in the courts against such person, firm, association or corporation.

SECTION 8. If any corporation, foreign or domestic, authorized to do business in this commonwealth is found guilty of any violation of this act, such finding shall cause a forfeiture of all the privileges and rights conferred upon the corporation by general or special law of this commonwealth and shall bar its right to do business in this commonwealth.

SECTION 9. If any corporation, after having been found guilty of any violation of this act, shall continue or attempt to do business in this commonwealth, it shall be the duty of the attorney-general by a proper action in the name of the commonwealth to oust such corporation from all business of every kind and character in this commonwealth.

SECTION 10. Nothing in this act shall be construed as repealing any other act, or part of an act, except such acts or parts of acts, if any there be, as are inconsistent herewith. [Approved May 27, 1912.]

CHAPTER 653.

AN ACT TO PROVIDE FOR REGULATING THE EMPLOYMENT OF WOMEN IN CORE ROOMS.

SECTION 1. The state board of health shall investigate core rooms where women are employed and shall make rules regulating the employment of women thereof. The rules shall relate to the structure and location of the rooms, the emission of gases and fumes from ovens, and the size and weight which the women shall be allowed to lift or work on. A copy of the rules shall be posted in every core room where women are employed.

SECTION 2. The state inspectors of health shall, under the direction of the state board of health, enforce any rules made in accordance with the provisions of this act.

SECTION 3. Whoever violates any rule established under the provisions of this act shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars. [Approved May 27, 1912.]

CHAPTER 666.

AN ACT RELATIVE TO THE INSURANCE OF COMPENSATION TO EMPLOYEES FOR PERSONAL INJURIES RECEIVED IN THE COURSE OF THEIR EMPLOYMENT.

SECTION 1. The Insurance Commissioner may withdraw his approval of any premium or distribution of subscribers given by him to the Massachusetts Employees Insurance Association under the provisions of section seventeen of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, or of any premium or rate made by an insurance company and approved by him under the provisions of section three of Part V of said chapter seven hundred and fifty-one as amended by section seventeen of chapter five hundred and seventy-one of the acts of the year nineteen hundred and twelve.

SECTION 2. The notices required by section five of Part I of said chapter seven hundred and fifty-one shall be given in such manner as the Industrial Accident Board may approve.

SECTION 3. This act shall take effect upon its passage. [Approved May 28, 1912.]

CHAPTER 675.

AN ACT RELATIVE TO THE BUSINESS OF MAKING SMALL LOANS AND TO THE AUTHORITY OF THE SUPERVISOR OF LOAN AGENCIES.

SECTION 1. . . . [Amends Acts of 1911, chapter 727, section 1.] *Section 1.* There is hereby established the office of supervisor of loan agencies. The term of the office shall be for three years, and the supervisor shall be appointed by the governor, with the advice and consent of the council. His salary shall be twenty-five hundred dollars a year and he shall give a bond in the sum of five thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general. He shall be furnished with an office in the state house, or elsewhere, and shall be allowed such sums for necessary expenses [and for clerical assistance] as may be approved by the governor and council[.]; including the investigation of alleged violations of this act, and the institution of prosecutions in pursuance thereof, and for clerical assistance. He shall annually on or before the first Wednesday of January transmit to the secretary of the Commonwealth a report to the general court of his doings, with such recommendations and suggestions as he may deem necessary.

SECTION 2. . . . [Amends acts of 1911, chapter 727, section 3.] *Section 3.* No person, partnership, corporation, or association *within the Commonwealth*, shall directly or indirectly engage in the business of making loans of three hundred dollars or less, if the amount to be paid on any such loan, for interest and expenses, exceeds in the aggregate an amount equivalent to twelve per cent per annum upon the sum loaned, without first obtaining from the supervisor of loan agencies a license to carry on the said business in the city or town in which the business is to be transacted. *When application for a loan, or for an endorsement or guarantee, or for the purchase of a note is made by any person within this Commonwealth, and the money is advanced, or the endorsement or guarantee is made or furnished by any person, partnership, corporation, or association situated without the Commonwealth, the transaction shall be deemed a loan made within the Commonwealth, and such a loan and the parties making it shall be subject to the provisions of this act. The buying or endorsing of notes, or the furnishing of guarantee or security for compensation shall be considered to be engaging in the business of making small loans within the provisions of this act.*

SECTION 3. . . . [Amends said chapter 727, section 10.] *Section 10.* Any person, partnership, corporation or association violating any provision of this act or any regulation made hereunder, *or any rule or order made by the supervisor*, shall be subject to a fine of not more than five hundred dollars, and the license may be suspended or revoked by the supervisor. Any loan upon which a greater rate of interest or expense is charged or received, than is allowed by this act and the regulations made hereunder, may be declared void by the supreme judicial court or the superior court in equity upon petition by the person to whom the loan was made.

SECTION 4. . . . [Amends said chapter 727, section 13.] *Section 13.* If a greater rate of interest or amount for expenses than is allowed under the provisions of this act has been paid on any loan to which this act applies, the person who paid it may *file a complaint with the supervisor of loan agencies, and the supervisor may, after a hearing, order such excess amounts refunded, or may make such other order as he may deem necessary. The filing of the complaint and the decision of the supervisor shall not affect the right of the complainant, as provided in section ten, who may, by an action of contract, or suit in equity, recover back the amount of the unlawful interest or expenses, with twice the legal costs and no more, if such action or suit is brought within two years after the time of payment.*

SECTION 5. . . . [Amends said chapter 727, section 17.] *Section 17.* Whoever not being duly licensed as provided in this act, on his own account or on account of any other person, partnership, corporation or association not so licensed, engages in or carries on, directly or indirectly, either separately or in connection with or as a part of any other business, the business of making loans *or buying notes or furnishing endorsements or guarantees*, to which the provisions of this act apply, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. *And any loan made or note purchased, or endorsement or guarantee furnished by an unlicensed person, partnership, corporation or association in violation of this act shall be void.*

SECTION 6. . . . [Amends said chapter 727, section 22.] *Section 22.* No assignment of or order for wages or salary to be earned in the future to secure a loan of less than three hundred dollars shall be valid against an employer of the person making such assignment or order until the assignment or order is accepted in writing by the employer, nor until the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the person making the assignment or order resides, if he is a resident of the commonwealth, or in which he is employed if he is not a resident of the commonwealth; *nor shall it be valid unless said assignment is in form and purport as prescribed in chapter three hundred and ninety of the acts of the year nineteen hundred and six, and acts in amend-*

ment thereof. No such assignment or order shall be recorded by the clerk of a city or town unless it states on its face that the sum of ten dollars per week, as earned, of the wages or salary so assigned is exempt from such assignment or order. No such assignment or order shall be valid when made by a married man unless the written consent of his wife to the making thereof is attached thereto. No such assignment or order shall be valid for a period exceeding one year from the making thereof. [Approved May 29, 1912.]

CHAPTER 683.

AN ACT TO PROHIBIT DISCRIMINATION AGAINST WOMEN EMPLOYEES IN STATE BATH HOUSES.

SECTION 1. Hereafter in the state bath houses under the care of the metropolitan park commission the women attendants shall receive the same scale of wages as the men attendants, when performing similar work.

SECTION 2. This act shall take effect upon its passage. [Approved May 29, 1912.]

CHAPTER 684.

AN ACT TO PROVIDE FOR ADDITIONAL EXAMINERS AND CLERKS IN THE DEPARTMENT OF THE INSURANCE COMMISSIONER.

SECTION 1. The insurance commissioner, for the purpose of assisting him to perform the duties imposed by the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, and amendments thereof, is hereby authorized to appoint such examiners in addition to those already provided for by law, and at such compensation as may be approved by the governor and council. He may also employ such clerical assistance as may be necessary. Suitable offices shall be provided in the state house for the persons so employed.

SECTION 2. The employment of any such examiners and clerks may be discontinued by the insurance commissioner whenever he deems that such employment is no longer necessary.

SECTION 3. To carry out the provisions of section one of this act, a sum not exceeding eight thousand dollars may be expended for clerical and other necessary assistance, and for necessary incidental expenses, a sum not exceeding two thousand dollars; both of these amounts to be in addition to the amounts already appropriated for similar purposes in the office of the insurance commissioner.

SECTION 4. This act shall take effect upon its passage. [Approved May 29, 1912.]

CHAPTER 693.

AN ACT RELATIVE TO THE COMPENSATION OF MEMBERS OF THE RESERVE POLICE FORCE OF THE CITY OF FALL RIVER.

SECTION 1. . . . [Amends acts of 1900, chapter 95, section 3.] *Section 3.* The members of the reserve police force shall be paid by the city of Fall River such compensation [not exceeding two dollars and fifty cents a day, as the board of police may prescribe] *as shall be fixed by the concurrent action of the city and said board.* The board of police may retire from active service and place upon a pension roll any member of the reserve police force whom the city physician certifies in writing to be permanently disabled, mentally or physically, by injuries sustained through no fault of his in the actual performance of duty, from further performing duty as such member, and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of retirement, such amount to be paid by the city, which shall appropriate money therefor. The members of said reserve police force, after six

months' actual service shall be entitled to such furloughs and days off as are received by members of the regular police department of the city.

SECTION 2. This act shall take effect upon its passage, but shall not affect the rate of compensation now being paid except as said compensation shall be changed by said concurrent action. [*Approved May 29, 1912.*]

CHAPTER 706.

AN ACT TO ESTABLISH THE MINIMUM WAGE COMMISSION AND TO PROVIDE FOR THE DETERMINATION OF MINIMUM WAGES FOR WOMEN AND MINORS.

SECTION 1. There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom may be a woman, to be appointed by the governor, with the advice and consent of the council. One of the commissioners shall be designated by the governor as chairman. The first appointments shall be made within ninety days after the passage of this act, one for a term ending October first, nineteen hundred and thirteen, one for a term ending October first, nineteen hundred and fourteen, and one for a term ending October first, nineteen hundred and fifteen; and beginning with the year nineteen hundred and thirteen, one member shall be appointed annually for the term of three years from the first day of October and until his successor is qualified. Any vacancy that may occur shall be filled in like manner for the unexpired part of the term.

SECTION 2. Each commissioner shall be paid ten dollars for each day's service, in addition to the traveling and other expenses incurred in the performance of his official duties. The commission may appoint a secretary, who shall be the executive officer of the board and to whose appointment the rules of the civil service commission shall not apply. It shall determine his salary, subject to the approval of the governor and council. The commission may incur other necessary expenses not exceeding the annual appropriation therefor, and shall be provided with an office in the state house or in some other suitable building in the city of Boston.

SECTION 3. It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

SECTION 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less than six representatives of employers in the occupation in question and of an equal number of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by the commission to represent the public, but the representatives of the public shall not exceed one half of the number of representatives of either of the other parties. The commission shall designate the chairman from among the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the boards. The members of wage boards shall be compensated at the same rate as jurors; they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

SECTION 5. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question.

Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a *female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also* suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. When two thirds of the members of a wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto, and also the names, so far as they can be ascertained by the board of employers who pay less than the minimum wage so determined.

SECTION 6. Upon receipt of a report from a wage board, the commission shall review the same, and may approve any or all of the determinations recommended, or may disapprove any or all of them, or may recommit the subject to the same or to a new wage board. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers pay a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall, within fourteen days thereafter, publish the names of all such employers in at least four newspapers in each county in the Commonwealth, together with the material part of its findings, and a statement of the minimum wages paid by every such employer. Any employer upon filing a declaration under oath in the supreme judicial or superior court to the effect that compliance with such decree would endanger the prosperity of the business to which the same is made applicable, shall be entitled to a stay of execution of such decree, and a review thereof with reference to the question involved in such declaration. Such review shall be made by the court under the rules of equity procedure, and if it shall be found by the court that compliance with such decree is likely to endanger the prosperity of the business to which the same is applicable, then an order shall issue from said court, revoking the same. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

SECTION 7. In case a wage board shall make a recommendation of a wage determination in which a majority but less than two thirds of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the general court.

SECTION 8. Whenever a minimum wage rate has been established in any occupation, the commission may upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

SECTION 9. For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *provided*, that it is not less than the special minimum wage fixed for that person.

SECTION 10. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same

manner as if the determination had been recommended to the commission by a wage board.

SECTION 11. Every employer of women and minors shall keep a register of the names and addresses of all women and minors employed by him, and shall on request permit the commission or any of its members or agents to inspect the register. The commission shall also have power to subpoena witnesses, administer oaths and take testimony, and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. Such witnesses shall be summoned in the same manner and be paid from the treasury of the commonwealth the same fees as witnesses before the superior court.

SECTION 12. Upon request of the commission, the director of the bureau of statistics shall cause such statistics and other data to be gathered as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

SECTION 13. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offence.

SECTION 14. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section six, the name of any employer whom it finds to be violating any such decree.

SECTION 15. Any newspaper refusing or neglecting to publish the findings, decrees and notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offence.

SECTION 16. No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some wilful misrepresentation.

SECTION 17. The commission shall annually, on or before the first Wednesday in January, make a report to the general court of its investigations and proceedings during the preceding year.

SECTION 18. This act shall take effect on the first day of July in the year nineteen hundred and thirteen. [*Approved June 4, 1912.*]

CHAPTER 713.

AN ACT TO PROVIDE FURTHER FOR THE PRESERVATION OF LIFE IN THE CONSTRUCTION, ALTERATION, REMOVAL OR TEARING DOWN OF BUILDINGS OR STRUCTURES IN THE CITY OF BOSTON.

SECTION 1. The city of Boston may prescribe by ordinance the qualifications which shall be required of those having charge or control of the construction, alteration, removal or tearing down of buildings or structures in said city, the means of determining such qualifications and the terms and conditions upon which permits for the construction, alteration, removal or tearing down of buildings or structures may be issued by the building commissioner. Any person who has been refused a permit by the building commissioner, acting under authority of any such ordinance, shall have a right to appeal in accordance with the provisions of section six of chapter five hundred and fifty of the acts of the year nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage. [*Approved June 4, 1912.*]

CHAPTER 714.

AN ACT TO DEFINE THE DUTIES OF THE HOMESTEAD COMMISSION.

SECTION 1. The commission established by chapter six hundred and seven of the acts of the year nineteen hundred and eleven shall continue its investigation of the need of providing homesteads for the people of the Commonwealth and its study of plans already in operation or contemplated elsewhere for housing wage-earners, and shall report to the Legislature not later than the first Wednesday in January, nineteen hundred and thirteen, and may recommend such legislation as in its judgment will tend to increase the supply of wholesome homes for the people. The commission may expend in prosecution of its work such sums, not exceeding in the aggregate two thousand dollars, as the Governor and Council may approve.

SECTION 2. This act shall take effect upon its passage. [*Approved June 4, 1912.*]

CHAPTER 721.

AN ACT TO AUTHORIZE CERTAIN ADVANCES FROM THE TREASURY OF THE COMMONWEALTH TO THE MASSACHUSETTS EMPLOYEES' INSURANCE ASSOCIATION.

SECTION 1. For the purpose of enabling the Massachusetts Employees' Insurance Association to carry out the provisions of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, the treasurer and receiver general, from time to time, within one year after the date of the passage of this act, may advance to the said association from the treasury of the commonwealth sums of money not exceeding in the aggregate one hundred thousand dollars. For the moneys so advanced the association shall execute and deliver to the treasurer its promissory notes payable to the order of the commonwealth within four years after the respective dates thereof, with interest at the rate of four per cent per annum, payable semi-annually. The notes shall be signed by the treasurer of said association and countersigned by its president, and shall be payable either serially or by instalments, so that at least one fourth of the aggregate indebtedness shall be paid in each calendar year, beginning with the first day of January, nineteen hundred and thirteen.

SECTION 2. The treasurer and receiver general is hereby authorized to borrow upon the credit of the commonwealth, from time to time, such amounts as may be necessary to cover the advances authorized in section one of this act. All money so borrowed shall be deposited in the state treasury, and the treasurer and receiver general shall pay out the same as ordered by said association, and shall keep a separate and accurate account of all sums so borrowed and advanced.

SECTION 3. The provisions of Part IV of said chapter seven hundred and fifty-one in regard to assessments to provide for the payment of losses and expenses shall also apply to and authorize assessments, so far as they may be necessary, for the payment of said notes and of the interest thereon.

SECTION 4. Notes issued under the provisions of this act shall not be considered as rendering the association deficient in funds, so long as the liability of subscribers to assessment exceeds the amount of said notes less the proceeds of said notes still in the hands of the association.

SECTION 5. This act shall take effect upon its passage. [*Approved June 6, 1912.*]

CHAPTER 722.

AN ACT TO PROVIDE PENSIONS FOR THE COURT OFFICERS OF THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTION 1. Any court officer of the Supreme Judicial Court or of the superior court, who in the judgment of the sheriff of his county is disabled for useful service

in either of said courts, and who is certified by a physician, designated by the sheriff, to be permanently incapacitated, either mentally or physically, by injuries sustained through no fault of his own, and in the actual performance of his duty in said court; and any court officer of either of said courts who has performed faithful service therein for not less than twenty years, and is in the judgment of the sheriff of his county incapacitated for further service in said court, shall, if the sheriff so requests, with the approval of a majority of the justices of the court in which he serves, be retired, and shall annually receive a pension equal to one half of the compensation received by him at the time of his retirement.

SECTION 2. Pensions granted under this act and all expenses connected therewith shall be paid out of the treasuries of the Commonwealth, and of the several counties, to the same extent and in the same proportion as the salaries of the pensioners were paid at the time of their retirement.

SECTION 3. This act shall take effect upon its passage.

OFFICE OF THE SECRETARY, June 10, 1912.

WHEREAS, The Constitution of the Commonwealth provides that —

"No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in whichever the same shall have originated"; and

WHEREAS, The bill entitled "An Act to provide pensions for the court officers of the supreme judicial and the superior court" was duly passed by the General Court and was laid before the Governor on the twenty-first day of May of the current year; and

WHEREAS, The aforesaid bill, with another bill and a resolve were transmitted to the office of the Secretary, accompanied by a communication from the Clerk of the House of Representatives, stating that

"These acts and resolve were found on the desk of the Clerk of the House of Representatives on the morning of Tuesday, May 28, last. They were due to be returned by His Excellency the Governor to the House of Representatives, in which branch they originated, with his objections thereto in writing, on Monday, May 27. . . .

"A point of order was raised that the bills and resolve and veto messages were not properly before the House of Representatives, not having been returned by the Governor within the five days allowed under article II of section 1 of chapter 1 of the constitution."

On this point of order the Speaker ruled as follows: —

"The vetoes were without question returned after the Clerk's office was closed on the last day during which, under article II of section 1 of chapter 1 of the Constitution, three of the vetoes should apparently have been returned. There is no official record whether the vetoes were left in the Clerk's office before or after midnight. The chair therefore rules that simply leaving the papers in the Clerk's office after it is closed is not such a return to the House of Representatives of the bills and resolves, with his objections thereto in writing, as is required by the Constitution, as the House can take cognizance of; and that three of the vetoes were not properly returned until received by the Clerk at eight o'clock this morning".

And

WHEREAS, I am advised by the Attorney-General, after a review of all the circumstances in the case, that

"It is not the duty of the Secretary to determine whether or not the bills and resolve in question were in fact returned, or whether or not the action of the House was warranted in the

premises. He should be guided by the official record of the facts, and receive and record the several bills and the resolve among the laws of the current year, leaving the question of their validity to be determined by the proper tribunal",

THEREFORE the "Act to provide pensions for the Court officers of the supreme judicial and superior court" is printed as chapter 722 of the acts of the general court of Massachusetts for the current year, in conformity to the opinion of the Attorney-General, above cited.

[This note applies also to chapter 723 of the acts of the current year and to chapter 148 of the resolves.]

CHAPTER 723.

AN ACT TO PROVIDE FOR PENSIONING PROBATION OFFICERS.

SECTION 1. Any probation officer or assistant probation officer whose whole time is given to the duties of his office shall, at his or her request, be retired from active service and placed upon a pension roll by the court upon which it is his duty to attend, with the approval of the county commissioners of the county in which the court is situated: *provided*, that he is certified in writing by a physician designated by such court to be permanently disabled, mentally or physically, for further service by reason of injuries or illness sustained or incurred through no fault of his in the actual performance of his duty as such officer. Any probation or assistant probation officer whose whole time is given to his duties as such officer and who has faithfully performed his duties as such officer for not less than twenty consecutive years, and who is not less than sixty years of age, shall also be retired under the provisions of this act at his or her request without the aforesaid certification.

SECTION 2. Every person retired under the provisions of this act shall receive an annual pension equal to one half of the compensation received by him at the time of his retirement, this amount to be paid by the county employing him, or, if he is employed by more than one county, then by the counties by which his salary is paid, and in the same proportion. It shall be the duty of every county to appropriate annually the sums required for this purpose.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

[The note following chapter 722 applies also to this act.]

CHAPTER 726.

AN ACT TO ESTABLISH A STATE BOARD OF LABOR AND INDUSTRIES.

SECTION 1. There is hereby established a state board of labor and industries to be composed of five persons who shall be appointed by the governor, with the advice and consent of the council. The terms of office of the members of the board shall be five years, except that when first appointed one of the members shall be appointed for four years, one for three years, one for two years, and one for one year, the member at that time appointed for five years to be chairman. Thereafter a member shall be appointed each year, for a term of five years. One member of the board shall be an employer of labor, one a wage-earner, one a physician or a sanitary engineer, and at least one a woman. The governor, with the advice and consent of the council, shall have power to fill by appointment for the unexpired term any vacancy that may occur in the board.

SECTION 2. There shall be a commissioner of labor, who shall be appointed by the board. He shall serve for such term as the board may determine, and may be removed at any time by the board by vote of a majority of its members. Upon such

removal a statement of reasons therefor shall be filed by the board with the governor. The commissioner of labor shall devote all his time to the affairs of the board, under its direction.

SECTION 3. The salary of the chairman of the board shall be fifteen hundred dollars a year, and the salaries of each of the other members of the board shall be one thousand dollars a year. The salary of the commissioner of labor shall be determined by the board, and shall not be less than five thousand nor more than seventy-five hundred dollars a year. The board may incur other necessary expenses for carrying out the provisions of this act, not exceeding the annual appropriation therefor. It shall be provided with offices in the state house or in some other suitable building in the city of Boston, and elsewhere in the commonwealth if approved by the governor and council.

SECTION 4. The board may investigate the conditions existing in any line of industry carried on by inhabitants of the commonwealth, and such investigations may be extended outside of the commonwealth to procure information for the promotion of industrial development or the improvement of industrial conditions. The board shall receive all complaints concerning conditions existing in any industry carried on by inhabitants of the commonwealth, or concerning alleged violations of any laws enforced under its direction, and shall thereupon make or direct all needful and appropriate investigations and prosecutions. It may employ experts or other necessary assistants to aid in the performance of any duty imposed upon it by law. It may make rules not inconsistent with existing law for carrying out the provisions of this act.

SECTION 5. All powers and duties with reference to the enforcement of law relating to labor and the employment thereof, the inspection and licensing of buildings or parts of buildings used for industrial purposes, the inspection and licensing of the workers therein and of all other industrial employees within the commonwealth, the enforcement of laws relating to the employment of women and minors, and the institution of proceedings in prosecution of violations of any of the said laws, now conferred or imposed by law upon the state board of health or state inspectors of health, or upon the chief of the district police, the inspectors of factories and public buildings of the district police, or the inspection department of the district police, or the deputy chief of the inspection department of the district police, with the exception of such duties and powers as are now imposed by law upon the chief inspector of boilers or the boiler inspectors of the district police, and with the further exception of such powers and duties as relate to the inspection of buildings under erection, alteration or repair, are hereby transferred to the state board of labor and industries. Said board may delegate to such commissioner, deputy commissioners or inspectors as are under its direction such of the above powers as it may deem necessary to carry out the provisions of this act.

Buildings used for industrial purposes under the meaning of this act shall include factories, workshops, bakeries, mechanical establishments, laundries, foundries, tenement-house workrooms, all other buildings or parts of buildings in which manufacturing is carried on, and mercantile establishments as defined in section seventeen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine.

SECTION 6. Nothing in this act shall be construed to prevent the state inspectors of health from entering buildings used for industrial purposes when required by their duty to protect the health of the community, especially as prescribed by section three of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven, except that the duty therein prescribed in informing themselves concerning the health of minors in factories is hereby transferred to the state board of labor and industries. The said board shall promptly report to the state board of

health all cases of disease in industrial establishments which may affect the health of the community.

SECTION 7. The board may appoint not more than two deputy commissioners of labor who shall be under the direction of and responsible to, the commissioner. One of the said deputies shall be especially qualified to supervise the enforcement of laws under the jurisdiction of the board which relate to the health of persons employed in buildings used for industrial purposes and shall be charged with that duty. Further division of powers and duties between the deputy commissioners may be made by the board, which shall also fix their salaries and terms of office with the approval of the governor and council. The board shall have power to remove a deputy commissioner from office at any time by vote of a majority of its members.

SECTION 8. The board shall have power to appoint and remove industrial health inspectors, industrial inspectors, assistant industrial inspectors, and necessary clerical assistants, subject to the laws of the commonwealth relating to the appointment and removal of employees in the classified civil service. The total number of industrial health inspectors, industrial inspectors and assistant industrial inspectors shall not exceed twenty-four, of whom at least four shall be women. The state civil service commissioners shall prepare rules, subject to the approval of the governor and council, for including in the classified service all industrial health inspectors, industrial inspectors, assistant industrial inspectors, and clerical assistants. These rules shall provide that candidates for appointments shall pass an examination of a comprehensive and practical character based upon the particular requirements of the kind of work to be done: *provided*, that persons employed at the time when this act takes effect as inspectors of factories and public buildings in the inspection department of the district police and not retained in said department, as provided in section twelve of this act, shall be transferred without such special examination, and without regard to age, to serve as industrial inspectors. Such transfer shall not affect any rights of retirement with pension that shall have accrued at the date when it is made, or would thereafter accrue to an inspector so transferred, but all such rights shall be retained by an inspector as if he had remained a district police officer. Industrial health inspectors shall be persons admitted to practice medicine in this commonwealth.

Inspectors and assistant inspectors shall be not over forty-five years of age on the date of their first appointment, but this age limit shall not apply to any reappointment.

Industrial health inspectors, industrial inspectors, and assistant industrial inspectors shall devote their entire time to the affairs of the board.

Each inspector shall, before entering upon his duties, be sworn to the faithful performance thereof.

The salaries of the industrial health inspectors, industrial inspectors and assistant industrial inspectors shall be determined by the board with the approval of the governor and council and shall be graded and of sufficient amount to secure competent men and women for the service; *provided, however*, that the salaries of the industrial inspectors shall be not less than fifteen hundred dollars a year, and *provided, further*, that the amount expended by the board in any year for such salaries shall not exceed the annual appropriation therefor. All salaries provided for under this act shall be paid out of the treasury of the commonwealth.

SECTION 9. The commissioner of labor may divide the commonwealth into inspection districts, and may assign the number of industrial health inspectors, industrial inspectors and assistant industrial inspectors thereto which he deems necessary, all with the consent of the board. Any order made by a deputy commissioner or inspector may be amended, suspended or revoked by the commissioner of labor

or by the board, and any order made by the commissioner may be amended, suspended or revoked by the board.

SECTION 10. Any inspector under the state board of labor and industries who directly or indirectly receives a reward, gift or gratuity on account of his official services, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months; and shall also be discharged from office.

SECTION 11. For the enforcement of any law within the jurisdiction of the state board of labor and industries, industrial health inspectors, industrial inspectors and assistant industrial inspectors shall possess the police powers granted by existing law to members of the inspection department of the district police.

SECTION 12. The office of inspector of factories and public buildings in the inspection department of the district police is hereby abolished. The inspectors of factories and public buildings who are, at the time of the passage of this act, serving as building inspectors, so-called, shall remain members of the district police force with the title of inspectors of buildings. The total number of such inspectors shall be eighteen, and, upon the taking effect of this act, the governor shall designate from among the inspectors of factories and public buildings who are at the time of its passage serving as factory inspectors, so-called, a sufficient number of such inspectors to remain members of the district police and to serve as inspectors of buildings to complete this number. The remaining inspectors of factories and public buildings shall, upon the taking effect of this act, be transferred to service under the state board of labor and industries as provided in section eight of this act. Inspectors of buildings shall have the powers and be charged with the duties of the present inspectors of factories and public buildings of the district police, except as otherwise provided in this act.

SECTION 13. Copies of all reports concerning injuries received by employees, which employers are required to file with the industrial accident board under the provisions of section eighteen of Part III of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, shall be filed with the state board of labor and industries. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.

SECTION 14. The board shall annually, on or before the first Wednesday in January, submit to the general court a report containing a statement of the character and results of the work performed by it or under its direction during the preceding year and of the expenditures for the year, together with an estimate of the sum required for the ensuing year and recommendations for such additional legislation as the board shall deem necessary.

SECTION 15. All acts and parts of acts inconsistent herewith are hereby repealed; but nothing in this act shall be construed as affecting the duties of the bureau of statistics as defined by chapter three hundred and seventy-one of the acts of the year nineteen hundred and nine.

SECTION 16. This act shall take effect on the first day of June, nineteen hundred and thirteen, except that so much of the act as provides for the appointment of the members of the board and of the commissioner, deputy commissioners and necessary clerical assistants shall take effect on the first day of March, nineteen hundred and thirteen. [*Approved June 10, 1912.*]

III. TEXT OF THE RESOLVES.

CHAPTER 82.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO STUDY THE QUESTION OF THE SUPPORT OF DEPENDENT MINOR CHILDREN OF WIDOWED MOTHERS.

Resolved, That the governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a commission of three persons, citizens of the commonwealth, at least one of whom shall be a woman, to study and investigate the question of the condition of widowed mothers within the commonwealth having minor children dependent upon them for support, and to report to the next general court, on or before the second Wednesday in January, as to the advisability of enacting legislation providing for payments by the commonwealth for the purpose of maintaining such minor children in their homes, submitting with the report such drafts of bills, if any, as may be deemed advisable to carry the recommendations of the commission into effect. The commission shall serve without pay, but may expend such reasonable sums for travel and other expenses, not exceeding in the aggregate one thousand dollars, as may be authorized by the governor and council. [*Approved April 27, 1912.*]

CHAPTER 103.

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF LOSSES OF LIFE AND PROPERTY BY FIRE IN THE METROPOLITAN DISTRICT.

Resolved, That the Governor, with the advice and consent of the Council, shall, within sixty days after the passage of this resolve, appoint a commission of five persons, citizens of the Commonwealth, to investigate the loss of life and property by fire, the causes of fires, the improvements in means for their prevention, and the fire hazard in the metropolitan district as defined by section three of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three. Of the said commissioners, one member shall be the fire commissioner of the city of Boston, one member shall be an architect, one a builder, one a person skilled in the insurance business, and one a person familiar with the business of dealing in or managing real estate. The members of the commission shall serve without compensation, but may incur such expenses in the performance of their duties, not exceeding the amount of twenty-five hundred dollars, as may be authorized by the Governor and Council. The commission shall report to the General Court on or before the first Wednesday of January in the year nineteen hundred and thirteen, with recommendations concerning legislation for the prevention of fires and loss of life and property by fires, and with such other recommendations concerning the subject of the fire hazard in the metropolitan district as it may deem proper. [*Approved May 11, 1912.*]

IV. TABLE OF CHANGES.

The amendments to the Revised Laws enacted in 1902, and to the Acts enacted since, affecting labor have been catalogued below for convenience of reference.

Page references have been made to our Labor Bulletins Nos. 67, 73, and 84.

1. CHANGES IN THE REVISED LAWS.

Made since their enactment in 1902.

CHAPTER 6. — OF MATTERS OF FINANCE.

SECTION 77. — Protection of wages, etc.; amended by acts of 1904, c. 349, see L. B. 67, p. 45; superseded by acts of 1909, c. 514, § 23, see L. B. 67, p. 10.

CHAPTER 8. — OF THE STATUTES.

SECTION 5, Ninth Clause. — Legal holidays; amended by acts of 1910, c. 473, see L. B. 73, p. 17; amended by acts of 1911, c. 136, see L. B. 84, p. 6.

CHAPTER 11. — OF ELECTIONS.

SECTION 414. — Protection of employees as voters; repealed by acts of 1907, c. 560, § 456.

CHAPTER 19. — OF THE CIVIL SERVICE.

No public officer or body, or member thereof, shall interfere with employment in public service corporations; acts of 1903, c. 320, superseded by acts of 1909, c. 514, §§ 25, 26, see L. B. 67, p. 11; acts of 1908, c. 228, superseded by acts of 1909, c. 514, § 26, see L. B. 67, p. 11; acts of 1904, c. 343, § 1, superseded by acts of 1909, c. 514, § 28, see L. B. 67, p. 11.

SECTION 34. — Enforcement of rules. Amended by acts of 1910, c. 359, see L. B. 73, p. 11.

SECTION 36. — Application of chapter. Amended by acts of 1902, c. 544, § 3, L. B. 73, p. 46.

CHAPTER 32. — OF FIREMEN'S RELIEF FUND AND PENSIONS.

SECTION 71. — Allowance to Massachusetts State firemen's association; amended by acts of 1902, c. 108, § 1; acts of 1906, c. 171, § 1, see L. B. 67, p. 46.

SECTION 72. — Treasurer of association to give bond; amended by acts of 1902, c. 108, § 2; acts of 1906, c. 171, § 2, see L. B. 67, p. 46.

SECTION 73. — Firemen's relief fund; amended by acts of 1903, c. 253, § 1, see L. B. 67, p. 46, and by acts of 1911, c. 90, see L. B. 84, p. 4.

SECTION 81. — Pensions for firemen in cities; amended by acts of 1906, c. 476, § 1, see L. B. 67, p. 47. See also acts of 1904, c. 327, see L. B. 67, pp. 87, 88, and acts of 1907, c. 186, see L. B. 67, p. 99.

CHAPTER 44. — OF SCHOOL ATTENDANCE.

SECTION 1. — Employment of children unlawfully absent from school; amended by acts of 1905, c. 320; acts of 1906, c. 383, see L. B. 67, p. 47; see acts of 1910, c. 249, L. B. 73, p. 5.

CHAPTER 65. — OF ITINERANT VENDORS, HAWKERS, AND PEDLERS.

SECTION 15. — Hawkers and pedlers may sell without license; amended by acts of 1905, c. 377; acts of 1906, c. 345, see L. B. 67, p. 48.

SECTION 17. — Employment of children in street trades; amended by acts of 1902, c. 531; acts of 1906, c. 151, see L. B. 67, p. 48; acts of 1910, c. 419, p. 15.

CHAPTER 66. — OF SHIPPING AND SEAMEN, ETC.

SECTIONS 2, 3. Enticing crews to desert; repealed by acts of 1910, c. 526, see L. B. 73, p. 20.

CHAPTER 72. — OF THE USE OF LABELS, TRADE MARKS AND NAMES.

SECTIONS 7-14. — Trade marks of trade unions; affected by acts of 1904, c. 335 (superseded by acts of 1909, c. 514, §§ 31, 32, see L. B. 67, pp. 12, 13), and acts of 1908, c. 280, see L. B. 67, p. 117.

CHAPTER 75. — OF THE PRESERVATION OF THE PUBLIC HEALTH.

Certain duties of state inspectors of health transferred to state board of labor and industries; acts of 1912, c. 726, see ante, p. 63.

Manufacturers required to furnish employees with drinking water; acts of 1902, c. 322 (superseded by acts of 1909, c. 514, § 78, see L. B. 67, p. 25).

Fans and blowers required in places where emery or buffing wheels or belts are used; acts of 1903, c. 475 (superseded by acts of 1909, c. 514, §§ 86-90, see L. B. 67, pp. 27, 28).

Sanitary conditions in foundries; acts of 1906, c. 250 (superseded by acts of 1909, c. 514, § 102, see L. B. 67, p. 30).

Medical and surgical supplies to be kept in certain factories; acts of 1907, c. 164 (superseded by acts of 1909, c. 514, § 104, see L. B. 67, p. 31).

Expectoration in certain places prohibited; acts of 1906, c. 165, amended by acts of 1908, c. 150, see L. B. 67, p. 116.

Use of water for humidifying purposes; acts of 1908, c. 325, see L. B. 67, p. 117.

Health districts and inspectors of health; acts of 1907, c. 537, § 5 (superseded by acts of 1909, c. 514, §§ 78, 89, 94, 106, 107, 110, see L. B. 67, pp. 25, 29, 31-33); §§ 1-4, 6-8, see L. B. 67, p. 107; amended by acts of 1910, c. 405, see L. B. 73, p. 13; c. 523, L. B. 73, p. 19; acts of 1911, c. 282, see L. B. 84, p. 12; c. 603, see L. B. 84, p. 42; c. 709, see L. B. 84, p. 53.

Appeals from certain requirements of inspectors of factories to the state board of health; acts of 1908, c. 487, see L. B. 67, p. 119.

Dangerous trades; acts of 1909, c. 514, § 75, see L. B. 67, p. 24; amended by acts of 1910, c. 404, see L. B. No. 73, p. 12.

Appointment of school physicians; acts of 1906, c. 502; acts of 1908, cc. 189, 412; acts of 1910, c. 257, see L. B. 73, p. 5.

Employment of women in core rooms; acts of 1912, c. 653, see ante, p. 55.

CHAPTER 102. — OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

SECTION 78. — Person in charge of certain boilers to be licensed; amended by acts of 1907, c. 373; and by acts of 1911, c. 562, § 1, see L. B. 84, p. 38.

SECTION 80. — Definition; amended by acts of 1911, c. 562, § 2, see L. B. 84, p. 38.

SECTION 81. — Licensing of stationary engineers and firemen; amended by acts of 1911, c. 562, § 3, see L. B. 84, p. 38.

SECTION 82. — Classes of licenses; amended by acts of 1911, c. 562, § 4, see L. B. 84, p. 40.

SECTION 83. — Horse power, how ascertained; amended by acts of 1911, c. 562, § 5, see L. B. 84, p. 40.

SECTION 84. — Appeal from decision of examiners; amended by acts of 1911, c. 562, § 6, see L. B. 84, p. 41.

SECTION 86. — Examiners of engineers; amended by acts of 1911, c. 656, see L. B. 84, p. 51.

CHAPTER 103. — OF THE SUPERVISION OF PLUMBING.

Examination and licensing of plumbers; in part superseded by acts of 1909, c. 536, see L. B. 67, pp. 141-144; acts of 1910, c. 597, see L. B. 73, p. 24; *acts of 1912, c. 518, see ante, p. 20.*

CHAPTER 104. — OF THE INSPECTION OF BUILDINGS.

Certain duties relative to inspection of buildings, transferred to state board of labor and industries. Acts of 1912, c. 726, see ante, p. 63.

Provision for licenses for an inspection of plumbing work; acts of 1909, c. 536, see L. B. 67, pp. 141-144.

Obstruction of means of egress from buildings prohibited; acts of 1905, c. 347, see L. B. 67, p. 89.

Manufacturing establishments to provide employees with drinking water; acts of 1902, c. 322 (superseded by acts of 1909, c. 514, § 78, see L. B. 67, p. 25).

Sanitary conditions in foundries; acts of 1906, c. 250 (superseded by acts of 1909, c. 514, § 102, see L. B. 67, p. 30).

SECTION 1. — *Inspection, etc., of buildings; amended by acts of 1912, c. 334, see ante, p. 8.*

SECTION 14. — Inspector of factories and public buildings; see acts of 1905, c. 472, L. B. 67, pp. 89, 90, and acts of 1909, c. 514, §§ 78, 94, 106, 107, and 110, L. B. 67, pp. 25, 29, 31-33.

SECTION 19. — Appeals from orders of inspectors of factories; repealed by acts of 1908, c. 487, see L. B. 67, p. 119.

SECTION 25. — Egresses and means of escape from certain buildings; amended by acts of 1907, c. 503, § 1, see L. B. 67, p. 57.

SECTION 28. — Notice of unsafe elevators; amended by acts of 1911, c. 455, see L. B. 84, p. 25.

SECTION 41. — Belting, etc., in factories to be guarded, etc.; amended by acts of 1907, c. 503, § 2 (acts of 1909, c. 514, § 94, see L. B. 67, p. 29).

CHAPTER 105. — OF THE INSPECTION OF STEAM BOILERS.

Inspection of steam boilers; acts of 1905, c. 472, see L. B. 67, pp. 89, 90; acts of 1906, c. 387, see L. B. 67, pp. 91, 92; c. 463, pt. II, § 173, see L. B. 67, p. 96; c. 521, see L. B. 67, pp. 98, 99; c. 522, see L. B. 67, p. 99; acts of 1907, c. 373, see L. B. 67, pp. 53-55; c. 451, see L. B. 67, p. 100; c. 465, see L. B. 67, pp. 100-105, acts of 1908, c. 563, see L. B. 67, p. 103; acts of 1909, c. 348, see L. B. 67, p. 96; c. 393, see L. B. 67, p. 100; c. 410, see L. B. 67, p. 99; acts of 1911, cc. 562, 619, 656; see L. B. 84, pp. 38, 43, 51.

Board of boiler rules; acts of 1907, c. 465, see L. B. 67, pp. 100-105.

Examination and certification of inspectors; acts of 1907, c. 465, §§ 5, 6, see L. B. 67, p. 101.

Licenses for operating hoisting machinery; see acts of 1911, c. 656, see L. B. 84, p. 51.

SECTION 1. — Inspectors of boilers; see acts of 1907, c. 451, see L. B. 67, p. 100, c. 465, § 4, see L. B. 67, p. 101.

SECTION 2. — Location of certain boilers to be reported; see acts of 1907, c. 465, §§ 2, 3, 13, see L. B. 67, pp. 101, 102.

SECTION 3. — Inspection of boilers; see acts of 1907, c. 465, §§ 2, 3, 13, see L. B. 67, pp. 101, 102.

SECTION 4. — Certificate of inspection; superseded by acts of 1907, c. 465, §§ 14, 15, see L. B. 67, pp. 102, 103.

SECTION 5. — Inspector may fix maximum pressure; see acts of 1907, c. 465, §§ 3, 15, 17, 19, see L. B. 67, pp. 101-103.

SECTION 6. — Penalty; see acts of 1907, c. 465, § 28 (as amended by acts of 1909, c. 393, § 3), L. B. 67, p. 105.

SECTION 9. — Safety plugs for steam boilers; see acts of 1907, c. 465, § 20, see L. B. 67, p. 103, and acts of 1908, c. 563, § 1, L. B. 67, p. 103.

SECTION 10. — Penalty for removing safety plugs; see acts of 1907, c. 465, §§ 20, 28, L. B. 67, pp. 103, 105.

SECTION 11. — Penalty for making boilers without safety plugs; see acts of 1907, c. 465, §§ 20, 28, L. B. 67, pp. 103, 105.

CHAPTER 106. — OF THE EMPLOYMENT OF LABOR.

The employment of labor; this chapter was repealed and revised by act to codify the laws relating to labor; acts of 1909, c. 514, see L. B. 67, pp. 3-44; *see also act providing for a state board of labor and industries, acts of 1912, c. 726, on p. 63, ante.*

CHAPTER 107. — OF THE BUREAU OF STATISTICS OF LABOR.

The bureau of statistics of labor; this chapter was repealed and superseded by acts of 1909, c. 371, see L. B. 67, pp. 126-128; acts of 1911, c. 158, see L. B. 84, p. 7.

Free employment offices; see acts of 1909, c. 514, §§ 1-9, see L. B. 67, pp. 3, 4; acts of 1911, c. 158, see L. B. 84, p. 7.

May gather statistics for minimum wage commission; acts of 1912, c. 706, see ante, p. 58.

CHAPTER 108. — OF DISTRICT AND OTHER POLICE OFFICERS.

Certain duties transferred to state board of labor and industries; acts of 1912, c. 726; on p. 63, ante.

Appeals to state board of health from certain requirements of the district police; acts of 1908, c. 487, see L. B. 67, p. 119.

Pensions for metropolitan park police; acts of 1909, c. 453, see L. B. 67, p. 140.

Pensions for district police; acts of 1911, c. 675, see L. B. 84, p. 52.

SECTION 8. — Inspectors of factories, etc., powers, duties, etc.; amended by acts of 1907, c. 413, see L. B. 67, p. 61. Duties transferred to health inspectors; acts of 1907, c. 537, § 5; superseded by acts of 1909, c. 514, §§ 78, 94, 106, 107, 110, see L. B. 67, pp. 25, 29, 31-33; acts of 1911, c. 603, see L. B. 84, p. 42.

SECTION 29. — Police pensions in cities; amended by acts of 1903, c. 428, § 1, acts of 1909, c. 188, see L. B. 67, p. 61.

SECTION 30. — Amount of pension; amended by acts of 1903, c. 428, § 2, see L. B. 67, p. 61.

CHAPTER 110. — OF MANUFACTURING AND OTHER CORPORATIONS.

SECTIONS 37-39. — Corporations — special stock for employees; repealed by acts of 1903, c. 437, § 95. See acts of 1903, c. 437, §§ 7, 8, 93, L. B. 67, pp. 85, 86.

CHAPTER 111. — OF RAILROAD CORPORATIONS AND RAILROADS.

Railroads; this chapter was repealed and revised by acts of 1906, c. 463, pts. I, II, see L. B. 67, pp. 92-97.

Relative to employment of engineers and conductors; acts of 1911, c. 539, see L. B. 84, p. 37.

CHAPTER 112. — OF STREET RAILWAY COMPANIES.

Street railways; this chapter was repealed by acts of 1906, c. 463, pt. III, see L. B. 67, pp. 97, 98.

CHAPTER 113. — OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

SECTION 25. Limits of deposits in savings banks and institutions not applicable to labor unions; repealed and revised by acts of 1908, c. 590, § 46; acts of 1909, c. 491, § 7, see L. B. 67, p. 123; acts of 1911, c. 211, see L. B. 84, p. 9.

CHAPTER 119. — OF FRATERNAL BENEFICIARY CORPORATIONS.

SECTION 12. Fraternal beneficiary corporations; amended by acts of 1903, c. 332, § 1, and acts of 1909, c. 407, see L. B. 67, p. 62.

CHAPTER 125. — OF TEXTILE SCHOOLS.

SECTION 20. — Textile schools in cities; see acts of 1904, c. 248, L. B. 67, p. 87; acts of 1905, c. 216, L. B. 67, p. 88; acts of 1906, c. 275, L. B. 67, p. 90.

CHAPTER 142. — OF ORDER OF PAYMENT OF DEBTS OF DECEASED PERSONS.

SECTION 1. Wages preferred — in administration; amended by acts of 1909, c. 297, see L. B. 67, p. 64.

CHAPTER 189. — OF THE TRUSTEE PROCESS.

SECTION 34. Assignment of future wages; superseded by acts of 1909, c. 514, § 125, see L. B. 67, p. 37. See also acts of 1908, c. 605, L. B. 67, p. 124; acts of 1909, c. 514, § 121, L. B. 67, p. 36; acts of 1911, c. 727, see L. B. 84, pp. 53-58, c. 751, pt. II, § 21, see L. B. 84, p. 61.

CHAPTER 197. — OF LIENS ON BUILDINGS AND LAND.

SECTION 10. Enforcement of liens on buildings; amended by acts of 1908, c. 127, see L. B. 67, p. 70.

SECTION 28. Dissolution of lien by owner; amended by acts of 1906, c. 223. Extended to personal property liens by acts of 1907, c. 490, § 1, see L. B. 67, pp. 105, 106; amended by acts of 1909, c. 237, see L. B. 67, pp. 72, 73.

CHAPTER 198. — OF LIENS, ETC., UPON PERSONAL PROPERTY.

Provisions for dissolution of certain liens; acts of 1907, c. 490, see L. B. 67, pp. 105, 106.

CHAPTER 225. — OF LABOR OF PRISONERS.

Provisions for retiring and pensioning prison officers; acts of 1911, c. 673, see L. B. 84, p. 52.

SECTION 45. Articles to be produced; amended by acts of 1910, c. 414, § 1, see L. B. 73, p. 13; § 3, see L. B. 73, p. 14; *amended by acts of 1912, c. 565, see ante, p. 24.*

SECTION 54. Supply of articles to institutions; affected by acts of 1910, c. 414, § 2, see L. B. 73, p. 13.

SECTION 55. Board to determine prices; repealed by acts of 1910, c. 414, § 6, see L. B. 73, p. 14.

2. CHANGES IN THE ACTS.

Passed since the enactment of the Revised Laws of 1902.

ACTS OF 1902.

CHAPTER 183. — Employment of certain minors; superseded by acts of 1909, c. 514, § 66, see L. B. 67, p. 22; *see acts of 1912, c. 726, § 5, on p. 64, ante.*

CHAPTER 322. — Requiring manufacturing establishments to supply their employees with pure drinking water during working hours; superseded by acts of 1909, c. 514, § 74, see L. B. 67, p. 24; acts of 1911, c. 455, see L. B. 84, p. 25.

CHAPTER 350. — Operation and custody of elevators; superseded by acts of 1909, c. 514, § 74, see L. B. 67, p. 24; acts of 1911, c. 455, see L. B. 84, p. 25.

CHAPTER 384. — Time to be allowed for voting of employees; superseded by acts of 1909, c. 514, § 45, see L. B. 67, p. 15.

CHAPTER 403. — Boards of health to make regulations concerning bakeries, etc.; amends R. L., c. 75, § 34, see L. B. 67, p. 51; *see acts of 1912, c. 726, § 5, on p. 64, ante.*

CHAPTER 430. — Insignia of labor unions; § 2 superseded by acts of 1909, c. 514, § 32, see L. B. 67, p. 13.

CHAPTER 435. — Employment of women and children in manufacturing and mechanical establishments; superseded by acts of 1909, c. 514, § 48, see L. B. 67, p. 16.

CHAPTER 446. — Duties and powers of the board of conciliation and arbitration; superseded by acts of 1909, c. 514, § 11, see L. B. 67, p. 5.

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CHAPTER 166. — Notices of actions for the recovery of damages for injuries or death; amended by acts of 1910, c. 611, see L. B. 73, p. 24; amended by acts of 1911, c. 178, see L. B. 84, p. 7; see also c. 751, pt. II, §§ 15 *et seq.*, p. 59; *amended by acts of 1912, c. 251, see ante, p. 7.*

CHAPTER 257. — Medical inspection of working children; § 3 amended by c. 269, see L. B. 84, p. 11.

CHAPTER 405. — Duties of inspectors of health; §§ 1, 2 amended by acts of 1911, c. 282, see L. B. 84, p. 12; *see acts of 1912, c. 726, on p. 63, ante.*

Chapter 414. — *Convict labor; § 5 amended by acts of 1912, c. 565, see ante, p. 24.*

Chapter 445. — *Regulation of advertisements and solicitations for employees during strikes, etc.; amended by acts of 1912, c. 545, see ante, p. 23.*

Chapter 597. — *Supervision of plumbing; amended by acts of 1912, c. 518, see ante, p. 20.*

CHAPTER 611. — Notices of actions for the recovery of damages for injuries or death; amends acts of 1909, c. 514, § 132, see L. B. 67, p. 39, and acts of 1910, c. 166, § 2, see L. B. 73, p. 4; amended by acts of 1911, c. 178, see L. B. 84, p. 7; see c. 751, pt. II, §§ 15 *et seq.*, p. 59; *amended by acts of 1912, c. 251, see ante, p. 7.*

Chapter 617. — *Pensions to teachers and supervisors of the Boston public schools amended by acts of 1912, c. 569, see ante, p. 25.*

CHAPTER 619. — Retirement systems for cities and towns; §§ 1-6 amended by acts of 1911, c. 338, see L. B. 84, p. 17.

ACTS OF 1911.

Chapter 313. — *Employment of children and women in certain workshops connected with mercantile establishments; § 1 amended by acts of 1912, c. 452, see ante, p. 17.*

Chapter 113. — *Retirement of certain veterans in the service of the city of Boston; amended by acts of 1912, c. 395, see ante, p. 16.*

Chapter 178. — *Commencing actions for the recovery of damages for injuries or death; amended by acts of 1912, c. 251, see ante, p. 7.*

Chapter 241. — *Definition of the word "Minor" as applied to compulsory attendance at evening schools; amended by acts of 1912, c. 191, see ante, p. 6.*

Chapter 484. — *Hours of employment of women and minors; amended by acts of 1912, c. 477, see ante, p. 18.*

Chapter 532. — *Retirement system for employees of the Commonwealth; amended by acts of 1912, c. 363, see ante, p. 9.*

Chapter 727. — *Supervision of small loan business; §§ 1, 3, 10, 13, 17, 22, amended by acts of 1912, c. 675, see ante, p. 55.*

Chapter 751. — *Workmen's compensation; amended by acts of 1912, c. 172, see ante, p. 6; and by c. 571, see ante, p. 26.*

Chapter 607. — *Homestead commission; amended by acts of 1912, c. 714, see ante, p. 61; see also opinion of justices on p. 103, post.*

V. INDEX OF BILLS AFFECTING LABOR INTRODUCED DURING THE LEGISLATIVE SESSION OF 1912.

[NOTE.—Abbreviations used are S. for Senate, H. for House, Com. for Committee, and P. D. for Public Document. References in italic type refer to the preceding pages of this Bulletin.]

CHILD LABOR.

SENATE 469. To regulate the employment of children. Substituted for H. 1525 by S.; amended and referred to next Legislature.

HOUSE 251. To require the furnishing of seats for women and minors employed in mechanical manufacturing establishments. Labor Com. reported H. 1639.

HOUSE 565. To provide for compulsory school attendance of children between the ages of seven and 15 years. Education Com. reported H. 1803.

HOUSE 930. To provide for compulsory school attendance for children between the ages of seven and sixteen years. Education Com. reported leave to withdraw.

HOUSE 982. To prohibit the employment of minors under sixteen years of age in factories, workshops, and mercantile establishments. Labor Com. reported leave to withdraw.

HOUSE 1135. To provide for attendance at school of illiterate minors. Education Com. reported reference to next Legislature.

HOUSE 1136. To amend and codify the laws relative to school attendance and to the employment of minors. Education Com. reported H. 2096.

HOUSE 1348. Relative to compulsory school attendance. Education Com. reported leave to withdraw.

HOUSE 1525. To regulate the employment of children and to make uniform the laws relating thereto. Labor Com. reported reference to next Legislature; S. substituted S. 469 for this report.

HOUSE 1639. Relative to providing seats for women and minors in manufacturing mechanical, and mercantile establishments. Reported by Labor Com. on H. 251; referred to Com. on Bills in Third Reading which substituted H. 1663.

HOUSE 1663. Relative to providing seats for women and minors in manufacturing, mechanical, and mercantile establishments. Substituted for H. 1639. *See Chapter 96 on p. 5.*

HOUSE 1773. To prohibit the employment of children for soliciting contributions or for advertising purposes. Com. on Rules referred to next Legislature.

HOUSE 1803. To provide for compulsory school attendance of children between the ages of seven and fifteen years. Reported by Education Com. on H. 565; rejected by H., 77 yeas, 131 nays.

HOUSE 2096. To amend and codify the laws relative to school attendance and to the employment of minors. Reported by Education Com. on H. 1136; passed as amended by H.; referred to next Legislature by S.

Hours of Labor.

SENATE 12. Relative to the hours of employment of women and minors. Labor Com. reported H. 535 on this bill and on H. 535.

HOUSE 475. Relative to the hours of employment of women and minors. Labor Com. reported leave to withdraw.

HOUSE 535. Relative to the hours of employment of women and minors. Reported on S. 12 and H. 535 by Labor Com. *See Chapter 477 on p. 18.*

HOUSE 588. Relative to the employment of children and women in certain workshops connected with mercantile establishments. *See Chapter 452 on p. 17.*

HOUSE 615. Relative to the hours of labor of women and minors. Reported by Labor Com.; passed by S.; reconsidered; rejected.

HOUSE 766. Relative to the hours of employment of women and girls in telephone offices. Labor Com. reported leave to withdraw.

HOUSE 1195. To properly describe persons excepted from those to whom the words "Child" and "Minor" shall ordinarily refer. *See Chapter 191 on p. 6.*

CONVICT LABOR.

SENATE 459. Relative to the employment of prisoners. Reported by Prisons Com. on H. 607 and H. 1040; new draft S. 479 reported by Ways and Means S. Com.

SENATE 479. Relative to the employment of prisoners. New draft of S. 459; recommended to Ways and Means S. Com. which reported new draft S. 504.

SENATE 504. Relative to the employment of prisoners. New draft of S. 479; passed by S.; rejected by H.

HOUSE 406. To prohibit the employment of inmates of institutions in the manufacture of goods intended to be sold in competition with the products of free labor. Prisons Com. reported reference to next Legislature.

HOUSE 607. Relative to the employment of prisoners. Prisons Com. reported S. 459 on this bill and on H. 1040.

HOUSE 833. Relative to the marking of goods made in penal institutions. Prisons Com. reported leave to withdraw; referred to Justices of Supreme Judicial Court as to constitutionality; Justices reported unfavorably (H. 2248). *See post, p. 99.*

HOUSE 1040. Relative to the employment of prisoners. Prisons Com. reported S. 459 on this bill and on H. 607.

HOUSE 1247. Changing the prisons into social schools. Prisons Com. reported leave to withdraw.

HOUSE 1644. To extend and enlarge the plan of making goods for public use by the labor of prisoners. Based on H. 1643 (a report). *See Chapter 565 on p. 24.*

COST OF LIVING.

HOUSE 1020. Relative to the sale of coal. Mercantile Affairs Com. reported leave to withdraw.

HOUSE 1157. Resolutions in favor of the establishment of an international commission on the cost of living. Federal Relations Com. reported leave to withdraw.

HOUSE 1385. To provide for investigations by the attorney-general of the rise in prices of the necessities of life. Joint Judiciary Com. reported leave to withdraw.

EMPLOYMENT AND EMPLOYMENT AGENCIES.

Employment.

HOUSE 114. To require the employment of citizens of the Commonwealth at institutions for the insane. Public Charitable Institutions Com. reported leave to withdraw.

HOUSE 115. Relative to the promotion of laborers and mechanics in the employment of cities and towns. Public Service Com. reported leave to withdraw.

HOUSE 383. Relative to the employment of inmates of penal and other institutions. Labor Com. reported leave to withdraw.

HOUSE 448. Relative to the appointment or employment of aliens by the city of Boston. Cities Com. reported leave to withdraw.

HOUSE 474. To authorize additional work upon State highways in times of industrial distress. Labor Com. reported leave to withdraw.

HOUSE 770. Relative to the employment of help in State institutions. Passed by both branches; vetoed by Governor (H. 2105); veto sustained, 113 yeas, 78 nays.

House 2105. Veto of Governor on House 770.

EXECUTIVE DEPARTMENT, BOSTON, April 1, 1912.

To the Honorable Senate and House of Representatives:

Herewith I return without my approval an act relative to the method of obtaining employees for State institutions.

This bill directs the officers of such institutions to use all reasonable efforts to obtain employees without recourse to employment agencies or bureaus; and directs that if such

recourse becomes necessary then they shall apply to at least one of the free employment offices established under the direction of the Director of Statistics since 1909.

I realize that there are many abuses incident to our existing system of securing public employees through private employment agencies, not the least of which is the obnoxious system of fees incident thereto. This bill, however, in its well meant attempt to overcome this evil will, in my judgment, deprive the public service of the benefits which are also incident to the agency system.

I would approve heartily of a measure which forbade the filling of any vacancy by means of the employment agencies, unless the State official or officer concerned had made application to one or more of the employment agencies maintained under the bureau of statistics. But I cannot be a party to a measure which goes far beyond this reasonable limit and tends to break down the useful service undoubtedly furnished by employment agencies and bureaus, when these are utilized in their proper relation as auxiliary to our existing State agencies.

EUGENE N. FOSS.

HOUSE 844. To provide for the abolition of unemployment. Public Health Com. reported leave to withdraw.

HOUSE 859. Relative to the age limit of applicants for classification in the civil service. Public Service Com. reported reference to next Legislature.

HOUSE 977. To provide for the employment of citizens on public work. Labor Com. reported leave to withdraw.

HOUSE 1035. To promote enlistment in the militia and naval reserve. Military Affairs Com. Referred to Com. on Bills in Third Reading which substituted H. 2014.

HOUSE 1055. To establish the personnel of the civil service examining board of applicants for the positions of inspectors of boilers in the boiler inspection department of the district police. Public Service Com. reported leave to withdraw.

HOUSE 1212. To restrict the serving of intoxicating liquors by women. Liquor Laws Com. reported leave to withdraw.

HOUSE 1394. Relative to the discharge of certain employees. Labor Com. reported leave to withdraw.

HOUSE 2014. To prevent interference with the militia and naval reserve and with enlistment therein. Based on H. 1035. *See Chapter 358 on p. 9.*

Employment Agencies.

HOUSE 622. To abolish the free employment offices established and maintained by the Commonwealth. Legal Affairs Com. reported leave to withdraw.

HOUSE 633. Relative to the selection of employees of the Commonwealth. Public Service Com. reported leave to withdraw.

HOUSE 984. Relative to the maintenance of intelligence offices. Legal Affairs Com. reported leave to withdraw.

HOUSE 2063. To establish the State board of employment and to provide for the supervision of public and private employment offices. Reported by Labor Com. on H. 1651 (Report of committee appointed to investigate the conditions and management of employment agencies and intelligence offices); referred to Ways and Means H. Com. which reported ought not to pass; rejected by H.

HEALTH AND SAFETY.

SENATE 156. To require street railway companies to equip their cars with lifting jacks and other apparatus. Street Railways Com. reported reference to next Legislature.

SENATE 248. To provide for the separation of the detective and the inspection departments of the district police. Public Service Com. reported leave to withdraw.

SENATE 286. To authorize the appointment of four additional female members of the inspection department of the district police. Public Service Com. Referred to Ways and Means S. Com. which reported reference to next Legislature.

SENATE 340. Resolve to provide for the printing and distribution of the reports of the commission for the investigation of the subject of the cold storage of food and food products. Chapter 38 (Resolves).

SENATE 416. To provide for the proper manning of railroad freight trains by common carriers. Reported by Railroads Com. on H. 638; amended and reprinted as S. 453.

SENATE 453. To provide for the proper manning of railroad freight trains by common carriers. Amendment of S. 416; passed by both branches; vetoed by Governor (S. 488); veto sustained, 20 yeas, 14 nays; reconsidered, 24 yeas, 15 nays.

Senate 488. Veto of Governor on Senate 453.

EXECUTIVE DEPARTMENT, BOSTON, May 2, 1912.

To the Honorable Senate and House of Representatives:

Herewith I return without my approval an act to provide for the proper manning of railroad freight trains by common carriers; and creating an arbitrary schedule whereby the number of persons employed to man a freight train is to be fixed.

The numbers thus determined may, or may not, be equitable in respect to a certain train or class of train service.

In either event this bill is, in effect, a recognition by the Legislature that at present the Commonwealth does not exercise adequate control over public service corporations. Hence the Legislature faces the necessity of deciding each detail of the public service, like the present one, by special enactments. But the attempt to standardize the public service throughout by such means is quite futile.

The State ought to possess the general power to regulate all train services, including the whole subject of train crews. This can be accomplished by creating a public service commission with broad powers over all private corporations furnishing public utilities.

Such a commission is equally to be desired by the railroads, by their employees, and by the public.

I believe that this necessity will be recognized by the present Legislature, and a public service commission created, thus removing all occasion for arbitrary and special legislative regulation of such railroad details as those comprised in this bill.

I cannot pass judgment upon the question as to whether or not all freight trains of 30 cars should carry crews of six men, and all freight trains of 29 cars five men. These matters can, in my judgment, be determined only by a permanent and powerful commission of experts skilled in railroad operation and regulation.

EUGENE N. FOSS.

SENATE 458. To establish a State board of labor and industries. Reported by Labor Com. on H. 385 and H. 1395. Referred to Ways and Means S. Com. which reported new draft S. 526.

SENATE 526. To establish a State board of labor and industries. New draft of S. 458. Referred to Ways and Means H. Com. which reported new draft H. 2338.

HOUSE 251. To require the furnishing of seats for women and minors employed in mechanical manufacturing establishments. Labor Com. reported H. 1639.

HOUSE 323. Relative to the inspection by the State board of health of buildings containing bakeries. Public Health Com. Referred to Ways and Means H. Com.; rejected.

HOUSE 385. To establish a department of labor and to define the duties and powers thereof. Labor Com. reported S. 458 on this bill and on H. 1395.

HOUSE 386. To prohibit the employment of women in core rooms or other parts of foundries, at forges, or in and about quarries. Labor Com. reported H. 2151.

HOUSE 420. To require the use of air brakes and the furnishing of seats for motormen on cars of street railway companies and electric railroad companies. Street Railways Com. reported leave to withdraw.

HOUSE 536. Relative to safeguarding machinery and elevators. *See Chapter 318 on p. 8.*

HOUSE 538. Relative to the operation and inspection of steam boilers. Mercantile Affairs Com. reported H. 1978.

HOUSE 539. To establish an industrial inspection department, and to define the respective duties of the several inspection departments of the district police. Public Service Com. Referred to Ways and Means S. Com. which reported reference to next Legislature.

HOUSE 541. Resolve to provide for the appointment of a commission to investigate housing conditions within the Commonwealth. Public Health Com. reported reference to next Legislature.

HOUSE 638. To promote the safety of travelers and employees upon railroads by compelling common carriers by railroad to properly man their trains. Railroads Com. reported S. 416.

The following Senate order on H. 638 was adopted May 13, 1912, to wit:—

Ordered, That the Board of Railroad Commissioners is hereby directed to investigate forthwith the operating and manning of railroad freight trains in this Commonwealth and to make such order, regulation or recommendation as, upon investigation, the board may think necessary for the safety and protection of the public or of the employees of the railroad company operating such trains, and particularly as to the number of brakemen to be assigned to such trains. The board shall report the result of its investigation to the Senate as soon as practicable, and shall accompany its report with a copy of the order, regulation or recommendation made by it.¹

HOUSE 767. To provide certain mechanical appliances and safeguards to protect employees in factories, mills, and workshops. Labor Com. reported leave to withdraw.

HOUSE 810. Relative to the inspection of elevators. Mercantile Affairs Com. reported leave to withdraw.

HOUSE 840. To provide for uniform regulations for diseases dangerous to the public health. Public Health Com. reported H. 1804.

HOUSE 1068. To establish a State building inspection department. Public Service Com. reported leave to withdraw.

HOUSE 1070. To consolidate the boiler inspection department of the district police and the board of boiler rules. Public Service Com. reported leave to withdraw. Referred to Ways and Means H. Com. which reported reference to next Legislature. H. refused to refer it; passed in both branches; bill failed; unsigned by Governor when Legislature adjourned.

HOUSE 1333. To provide for fire escapes and open areas in the city of Boston, to reduce the fire hazard. Cities Com. reported leave to withdraw.

HOUSE 1336. Relative to the occupation of buildings in the city of Boston until means of egress have been provided satisfactory to the building commissioner. *See Chapter 369 on p. 15.*

HOUSE 1395. To establish a State board of labor, and to define the duties and powers thereof. Labor Com. reported S. 458 on this bill and on H. 385.

HOUSE 1434. To provide for seats for elevator men. Mercantile Affairs Com. reported H. 1835.

HOUSE 1436. To regulate the operation and inspection of steam boilers. Mercantile Affairs Com. reported leave to withdraw.

HOUSE 1458. To provide for the sanitation of food products. Public Health Com. reported leave to withdraw.

HOUSE 1487. Relative to the equipment of street cars with air-brakes. Street Railways Com. reported leave to withdraw.

HOUSE 1586. To require street railway companies to equip their cars with safety devices. Street Railways Com. reported leave to withdraw.

HOUSE 1639. Relative to providing seats for women and minors in manufacturing, mechanical, and mercantile establishments. Reported by Labor Com. on H. 251. Referred to Com. on Bills in Third Reading which substituted H. 1663.

HOUSE 1663. Relative to providing seats for women and minors in manufacturing, mechanical, and mercantile establishments. Substituted for H. 1639. *See Chapter 96 on p. 5.*

HOUSE 1748. To promote the safety of travelers and employees upon railroads by compelling common carriers by railroad to properly man their trains. Ordered printed; no standing.

HOUSE 1804. To provide for uniform regulations for diseases dangerous to the public health. Reported by Public Health Com. on H. 840. Com. on Bills in Third Reading substituted H. 1841.

¹ The railroad commissioners made no printed reply but will embody it in their annual report for 1912. See page 108, *post*.

HOUSE 1835. To require the furnishing of seats for elevator men. Based on H. 1434. *See Chapter 479 on p. 18.*

HOUSE 1841. To provide for uniform regulations for diseases dangerous to the public health. Substituted for H. 1804 by Com. on Bills in Third Reading. Passed by H.; rejected by S.

HOUSE 1978. Relative to the operation and inspection of steam boilers. Based on portion of annual report of the chief of the district police. (P. D. 32) and on H. 538. *See Chapter 531 on p. 21.*

HOUSE 2151. To provide for regulating the employment of women in core rooms. Reported by Labor Com. on H. 386. *See H. 2246. See Chapter 653 on p. 55.*

HOUSE 2246. Resolve to provide for an investigation by the State board of health of the employment of women in core rooms. Moved to substitute for H. 2151; rejected by H.

HOUSE 2338. To establish a State board of labor and industries. New draft of S. 526 reported by Ways and Means H. Com. *See Chapter 726 on p. 63.*

HOUSE 2369. To establish a State board of labor and industries. Reprint of H. 2338.

HOMESTEADS.

HOUSE 441. Report submitted by homestead commission, created by chapter 607 of the acts of 1911. Public Health Com. reported H. 442.

HOUSE 442. To extend and define the duties of the homestead commission. Reported by Public Health Com. on H. 441. Referred to Ways and Means H. Com. which reported H. 2344.

HOUSE 529. To authorize the State board of agriculture to collect and circulate information relating to farms for sale and to the agricultural resources, advantages, and opportunities of the Commonwealth. No standing.

HOUSE 2344. To define the duties of the homestead commission. Reported by Ways and Means H. Com. on H. 442. Justices of the Supreme Judicial Court returned opinion (H. 2339). *See post, p. 103.*

HOURS OF LABOR.

Holidays.

SENATE 101. To make the seventeenth day of June a legal holiday. Legal Affairs Com. reported leave to withdraw.

HOUSE 27. To make the seventeenth day of March a legal holiday, to be known as Evacuation Day. Legal Affairs Com. reported leave to withdraw.

HOUSE 300. To make the first day of January a legal holiday, to be known as New Year's Day. Legal Affairs Com. reported leave to withdraw.

HOUSE 482. To make New Year's Day a legal holiday. Legal Affairs Com. reported leave to withdraw.

HOUSE 1000. To make New Year's Day a legal holiday. Legal Affairs Com. reported leave to withdraw.

HOUSE 1002. Making the day of the annual election in November a legal holiday. Legal Affairs Com. reported leave to withdraw.

HOUSE 1406. To make the nineteenth day of October a legal holiday, to be known as Yorktown Day. Legal Affairs Com. reported leave to withdraw.

Public Employees.

SENATE 26. Relating to the employment of janitors and of watchmen and caretakers employed intermittently on public works. Labor Com. reported leave to withdraw.

SENATE 203. To provide a Saturday half-holiday for employees of the metropolitan water and sewer board and the metropolitan park commission. Metropolitan Affairs Com. reported S. 411.

SENATE 239. Relative to vacations of members of the police department of the metropolitan park commission. Metropolitan Affairs Com. reported reference to next Legislature.

SENATE 411. To provide a Saturday half-holiday for laborers and mechanics of the metropolitan water and sewerage board and the metropolitan park commission. Based on S. 203. *See Chapter 528 on p. 20.*

HOUSE 714. Relative to vacations of members of fire departments. Cities Com. reported H. 1847.

HOUSE 765. Relative to the hours of labor of watchmen employed by the Commonwealth. Labor Com. reported leave to withdraw.

HOUSE 1194. Relative to the hours of labor and compensation of persons employed on certain public work. Labor Com. reported leave to withdraw.

HOUSE 1318. Relative to the hours of labor of watchmen employed in State, county, and municipal institutions. Labor Com. reported ought not to pass; rejected by S.

HOUSE 1847. Relative to vacations of members of fire departments. Based on H. 714. *See Chapter 546 on p. 24.*

Railway Employees.

HOUSE 384. Relative to the hours of labor of employees of street railway companies. Labor Com. reported H. 2042 on this bill and on H. 1193.

HOUSE 1193. Relative to the hours of labor of employees of street railway companies. Labor Com. reported H. 2042 on this bill and on H. 384.

HOUSE 2042. Relative to the hours of labor of employees of street railway companies. Based on H. 384 and H. 1193. *See Chapter 533 on p. 23.*

Miscellaneous.

SENATE 12. Relative to the hours of employment of women and children. Labor Com. reported H. 535 on this bill and on H. 535.

SENATE 132. To provide for one day's rest in seven. Labor Com. reported leave to withdraw.

HOUSE 298. Relative to the hours of labor of drug clerks. Labor Com. reported leave to withdraw.

HOUSE 475. Relative to the hours of employment of women and minors. Labor Com. reported leave to withdraw.

HOUSE 535. Relative to the hours of employment of women and minors. Reported on S. 12 and H. 535 by Labor Com. *See Chapter 477 on p. 18.*

HOUSE 588. Relative to the employment of children and women in certain workshops connected with mercantile establishments. *See Chapter 452 on p. 17.*

HOUSE 615. Relative to the hours of labor of women and minors. Reported by Labor Com.; passed by S.; reconsidered; rejected.

HOUSE 766. Relative to the hours of women and girls in telephone offices. Labor Com. reported leave to withdraw.

HOUSE 983. Relative to the hours of labor of firemen of stationary engines. Labor Com. reported leave to withdraw.

HOUSE 1393. Relative to the time off for dinner allowed to employees of municipal and private corporations. Labor Com. reported leave to withdraw.

INDUSTRIAL EDUCATION.

SENATE 172. To authorize the establishment and maintenance of county industrial, agricultural, and household arts schools. Education Com. reported leave to withdraw.

HOUSE 289. Relative to State-aided vocational education. Education Com. reported leave to withdraw.

HOUSE 730. To provide for the establishment and maintenance of evening classes in the practical arts for women. Education Com. reported H. 1678.

HOUSE 1145. Relative to instruction in the elementary schools of the city of Boston. Education Com. reported leave to withdraw.

HOUSE 1627. To authorize the trustees of the Lowell textile school to grant certain degrees. Reported by Education Com. on H. 3, taken from files of last year (report of board of education under chapter 85 of resolves). *See Chapter 62 on p. 5.*

HOUSE 1678. To provide for the establishment and maintenance of evening classes in the practical arts for women. Based on H. 730. *See Chapter 106 on p. 5.*

INJUNCTIONS.

HOUSE 379. To regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "Conspiracy". Joint Judiciary Com. reported leave to withdraw.

HOUSE 1521. Relative to proceedings for punishment of the violation of injunctions. Joint Judiciary Com. reported leave to withdraw.

INJURIES AND COMPENSATION.

SENATE 52. To authorize certain mutual insurance companies to transact the business of employers' liability insurance, so-called. Insurance Com. reported S. 354.

SENATE 131. To provide additional methods of insurance under the workmen's compensation act of nineteen hundred and eleven. Joint Judiciary Com. reported H. 2200 on this bill and on H. 586 and S. 232.

SENATE 151. To authorize railroad corporations to issue passes to former employees who have been injured. Railroads Com. reported S. 381, then substituted S. 151. *See Chapter 488 on p. 19.*

SENATE 184. Relative to the recovery of damages for death caused by negligence. Joint Judiciary Com. reported leave to withdraw.

SENATE 210. To increase the penalty imposed on a railroad corporation for loss of life through its negligence. *See Chapter 354 on p. 8.*

SENATE 232. To provide additional methods of insurance under the act relative to payments to employees for personal injuries received in the course of their employment and to the prevention of such injuries. Joint Judiciary Com. reported H. 2200 on this bill and on H. 586 and S. 131.

SENATE 354. To authorize certain mutual insurance companies to transact the business of employers' liability insurance, so-called. Based on S. 52. *See Chapter 311 on p. 7.*

SENATE 381. To prohibit the issue of free passes by railroad corporations and discrimination in railroad rates. Reported by Railroads Com. on S. 151; S. 151 substituted.

HOUSE 23. Relative to the penalties imposed upon railroad corporations and street railway companies for loss of life through negligence. Joint Judiciary Com. reported leave to withdraw.

HOUSE 249. Relative to notices to be given in certain cases of accidents. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 346. Partial report by the commission on compensation for industrial accidents. To amend chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven. Ways and Means H. Com. reported H. 2064.

HOUSE 378. To prohibit liability insurance companies from becoming subscribers to the Massachusetts employees insurance association. Joint Judiciary Com. reported leave to withdraw.

HOUSE 472. To amend the act relative to payments to employees for personal injuries received in the course of their employment and to the prevention of such injuries. Joint Judiciary Com. reported leave to withdraw.

HOUSE 537. Relative to reporting accidents. *See Chapter 409 on p. 16.*

HOUSE 586. Relative to payments to employees for personal injuries received in the course of their employment and to the prevention of such injuries. Joint Judiciary Com. reported H. 2200 on this bill and on S. 131 and S. 232.

HOUSE 1171. To provide for the appointment of a conciliator in cases of a dispute over workingmen's compensation. Joint Judiciary Com. reported leave to withdraw.

HOUSE 1315. Relative to sufficiency of notice under the employers' liability law. Joint Judiciary Com. reported H. 1708.

HOUSE 1316. Relative to sufficiency of notice under the workmen's compensation law. Joint Judiciary Com. reported H. 1709.

HOUSE 1390. Relative to the right of action at common law, in certain cases, for personal injuries. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 1708. Relative to notices of actions for recovery of damages under the law concerning the liability of employers. Reported by Joint Judiciary Com. on H. 1315; Com. on Bills in Third Reading substituted H. 1727.

HOUSE 1709. Relative to notices of actions for recovery of damages under the law providing for payments to employees for injuries received in the course of their employment. Based on H. 1316. Com. on Bills in Third Reading substituted H. 1728.

HOUSE 1727. Relative to notices of actions for recovery of damages for injuries to employees. Substituted by Com. on Bills in Third Reading for H. 1708. *See Chapter 251 on p. 7.*

HOUSE 1728. Relative to notices of actions for recovery of damages for injuries to employees. Substituted by Com. on Bills in Third Reading for H. 1709. *See Chapter 172 on p. 6.*

HOUSE 2064. To perfect in detail the act relative to payments to employees for personal injuries received in the course of their employment and to the prevention of such injuries. Based on H. 346. *See Chapter 571 on p. 26.*

HOUSE 2200. To provide additional methods of compensation to employees for personal injuries received in the course of their employment. Based on H. 586, S. 131, and S. 232. New draft H. 2329 reported by Ways and Means H. Com. and Joint Judiciary Com., sitting jointly.

HOUSE 2273. Relative to the insurance of compensation to employees for personal injuries. *See Chapter 666 on p. 55.*

HOUSE 2298. To provide additional methods of compensation to employees for personal injuries received in the course of their employment. Reprint of H. 2200.

HOUSE 2318. To perfect in detail the act relative to payments to employees for personal injuries received in the course of their employment and to the prevention of such injuries. Reprint of H. 2064.

HOUSE 2329. To provide additional methods of compensation to employees for personal injuries received in the course of their employment. New draft of H. 2200 reported by Ways and Means H. Com. and Joint Judiciary Com., sitting jointly; rejected by H., 82 yeas, 121 nays.

LABOR DISPUTES.

SENATE 208. Relative to reorganizing the state board of conciliation and arbitration. Public Service Com. reported leave to withdraw.

SENATE 318. Report of Joint Com. on Rules that it is inexpedient for the General Court to make an investigation of the textile industries. Reported on S. 311 (Message from Governor relative to Lawrence strike).

HOUSE 380. Relative to actions in connection with trade disputes. Joint Judiciary Com. reported leave to withdraw.

HOUSE 381. To allow peaceful persuasion. Joint Judiciary Com. reported leave to withdraw. Bill substituted for this report; passed by both branches; vetoed by Governor (H. 2309); veto sustained, 133 yeas, 85 nays.

House 2309. Veto of Governor on House 381.

EXECUTIVE DEPARTMENT, BOSTON, May 17, 1912.

To the Honorable Senate and House of Representatives:

Herewith I return without my approval an act to allow peaceful persuasion. The right of free speech is already sacred in Massachusetts; and so equally is the right of everyone to freedom from molestation. Both these rights are guaranteed by our fundamental law.

This proposed law, if enacted, would break down the equitable balance of our present law; it can add nothing to the already established rights which every citizen possesses so long as he keeps the peace; and its effect would inevitably be to withdraw from our citizens their right to protection from molestation and intimidation upon the public streets.

EUGENE N. FOSS.

HOUSE 382. To allow peaceful communications with applicants for positions during strikes, lockouts, and labor disputes. Joint Judiciary Com. reported leave to withdraw.

HOUSE 387. Relative to strikes. Labor Com. reported leave to withdraw.

HOUSE 963. To prevent threats and intimidation. Joint Judiciary Com. reported leave to withdraw.

HOUSE 964. In relation to picketing and boycotting. Joint Judiciary Com. reported leave to withdraw.

HOUSE 965. To punish the inciting of sympathetic strikes. Joint Judiciary Com. reported leave to withdraw.

HOUSE 978. Relative to the intimidation of employees. Labor Com. reported leave to withdraw.

HOUSE 981. To further regulate advertisements and solicitations for employees during strikes, lockouts, and other labor disputes. Labor Com. reported H. 2010 on this bill and on H. 1192.

HOUSE 1192. Further to regulate advertisements and solicitations for employees during strikes or other labor disputes. Labor Com. reported H. 2010 on this bill and on H. 981.

HOUSE 1527. Resolve to provide for an investigation of certain laws in New Zealand and the effects thereof. Labor Com. reported leave to withdraw.

HOUSE 1660. Relative to appointment of committee to investigate the present industrial conditions in the city of Lawrence. H. Com. on Rules rejected; recommended adoption of new order; amendment carried by 113 yeas, 81 nays.

HOUSE 1715. Resolve to provide for supplying the necessities of life to certain unemployed persons in the city of Lawrence. H. Com. on Rules reported reference to next Legislature.

HOUSE 2010. Further to regulate advertisements and solicitations for employees during strikes or other labor disputes. Based on H. 981 and H. 1192. *See Chapter 545 on p. 23.*

HOUSE 2294. Report of the joint special committee on conciliation in regard to the strike of factory operatives in the city of Lawrence. Report accepted by both branches.

LABOR ORGANIZATIONS.

HOUSE 377. To relieve associations of employers and trade unions from actions of tort. Joint Judiciary Com. reported leave to withdraw. S. amended report by substitution of H. 377; rejected by S. after adverse decision of Justices of Supreme Judicial Court as to its constitutionality (S. 499). *See post, p. 101.*

HOUSE 979. To require trades unions to make annual reports. Labor Com. reported leave to withdraw.

HOUSE 980. To provide for a directory of all trade organizations. Labor Com. reported leave to withdraw.

HOUSE 1640. Relative to the exemption of labor unions and members thereof from damages in certain cases. Joint Judiciary Com. reported leave to withdraw.

LICENSES.

SENATE 326. Resolve to provide for the appointment of a commission to investigate massage and therapeutic treatment. Reported by Public Health Com. on H. 491. Referred to Ways and Means S. Com.; rejected by S.

HOUSE 32. To provide for a board of registration of masseurs and defining its duties and powers. Public Health Com. reported leave to withdraw.

HOUSE 186. Relative to the operation of cinematographs and similar apparatus. Mercantile Affairs Com. reported H. 1738.

HOUSE 322. To regulate the practice of massage, medical gymnastics, and mechanotherapy in this Commonwealth. Public Health Com. reported leave to withdraw.

HOUSE 410. To regulate the occupation of barbering and to create a board of examiners for the licensing of barbers. Public Health Com. reported leave to withdraw on petition; substituted bill for petition. Referred to Ways and Means H. Com. which reported ought not to pass; rejected by H.

HOUSE 490. Relating to the licensing of cooks and bakers. Public Health Com. reported leave to withdraw.

HOUSE 491. Resolve to provide for the appointment of a commission to investigate the practice of massage, etc. Public Health Com. reported S. 326.

HOUSE 492. Relative to the practice of manicuring and massage and the giving of vapor baths. *See Chapter 155 on p. 6.*

HOUSE 838. Relative to the business of pharmacy. Public Health Com. reported leave to withdraw.

HOUSE 867. Relative to the licensing and operation of motor vehicles used in transporting passengers for hire upon public highways. Roads and Bridges Com. reported reference to next Legislature.

HOUSE 871. To provide for the physical examination of drivers of motor vehicles. Roads and Bridges Com. reported leave to withdraw.

HOUSE 1253. Relating to the registration of plumbers. Public Health Com. reported H. 2098.

HOUSE 1286. To require all applicants for a professional chauffeur's license to have had at least 18 month's shop and road experience. Roads and Bridges Com. reported leave to withdraw.

HOUSE 1738. Relative to the licensing of operators of cinematographs and similar apparatus. Based on H. 186. *See Chapter 182 on p. 6.*

HOUSE 2098. Relative to the registration of plumbers. Based on H. 1253. *See Chapter 518 on p. 20.*

LOANS.

SENATE 244. To establish the salary of the supervisor of loan agencies. Public Service Com. reported leave to withdraw.

HOUSE 445. To place the business of selling personal property on leases and conditional contracts under the supervision of the supervisor of loan agencies. Banks and Banking Com. reported leave to withdraw.

HOUSE 618. Relative to the business of making small loans. Legal Affairs Com. reported H. 1889 on this bill, on H. 1417, and on portion of report of supervisor of loan agencies (P. D. 95).

HOUSE 1417. To amend the law relative to the business of making small loans. Legal Affairs Com. reported H. 1889 on this bill, on H. 618, and on portion of P. D. 95.

HOUSE 1889. Relative to the business of making small loans and to the authority of the supervisor of loan agencies. Based on H. 618, H. 1417, and portion of P. D. 95; amended by substitution of H. 2226.

HOUSE 2131. Further to define the business of making small loans. Substituted by H. for report of Banks and Banking Com. reference to next Legislature. Based on report of supervisor of loan agencies (P. D. 95). Com. on Bills in Third Reading reported ought not to pass (already embodied in H. 2226 which passed *as Chapter 675*); H. refused to pass.

HOUSE 2226. Relative to the business of making small loans and to the authority of the supervisor of loan agencies. Amended draft of H. 1889. *See Chapter 675 on p. 55.*

MECHANICS' LIENS.

SENATE 128. Relative to mechanics' liens for materials. Joint Judiciary Com. reported reference to next Legislature.

SENATE 183. Relative to the priority of certain mortgages over liens. Joint Judiciary Com. reported reference to next Legislature.

SENATE 187. Relative to the priority of certain mortgages over liens. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 464. To permit the entry of personal judgment in certain cases relative to mechanics' liens. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 471. Relative to mechanics' liens. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 760. To amend the law relative to liens on buildings and land. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 1178. Relative to mechanics' liens and mortgages of real estate given to secure the purchase price in whole or in part. Joint Judiciary Com. reported reference to next Legislature.

HOUSE 1382. Relative to mechanics' liens. Joint Judiciary Com. reported reference to next Legislature.

PENSIONS.

Firemen.

HOUSE 708. To provide for the retirement of members of the fire department of the city of Somerville. Cities Com. reported H. 1811.

HOUSE 711. To exempt the city of Fall River from the provisions of acts relative to the payment of pensions. Cities Com. reported leave to withdraw.

HOUSE 1113. To authorize the city of Boston to grant pensions to certain former members of its fire department. Cities Com. reported H. 2219 after H. 1113 had been recommitted.

HOUSE 1811. To provide for the retirement of members of the fire department of the city of Somerville. Reported by cities Com. on H. 708; passed by both branches; vetoed by Governor (H. 2013); passed over veto by H., 186 yeas, 2 nays; by S., 27 yeas, 5 nays. *See Chapter 453 on p. 17.*

House 2013. Veto of Governor on House 1811.

EXECUTIVE DEPARTMENT, BOSTON, March 19, 1912.

To the Honorable Senate and House of Representatives:

Herewith I return without my approval an act relative to the retirement of members of the fire department of the city of Somerville.

This act would authorize the chief of the fire department, with the approval of the mayor and the board of aldermen of Somerville to place upon the pension roll certain members of the local fire department upon stated conditions.

This act, humanitarian as it appears in its local application, is, nevertheless, a typical example of the wrong way to approach a very important subject.

It has been a legislative habit in Massachusetts to grant special powers to individual communities which the State, as a whole, has not adopted. Public attention is not directed, and sufficient legislative investigation is not given to measures which, like the present one, affect only a single locality. Therefore, this policy, if continued, would ultimately result in a State-wide system of pensioning the public employees of towns and cities; and yet, this system, under the present legislative method, would never have been presented to the Legislature, or to the electorate, as a State-wide system.

Each bill of this character becomes an added precedent for others of the same type, and in each instance the majority of the Legislature thus acts upon a measure in which the members have no personal responsibility to their constituents. Under these conditions it is impossible to secure a suitable legislative representation; or to insure to the electorate of each community anything approximating to home rule.

Personally, I advocate a broad and comprehensive system of pensions for public employees, provided the employees themselves are obligated to contribute, in part, to a fund for that purpose. But I cannot approve the present method by which a State-wide system of pensions is growing up piece-meal, without the safeguard of a requirement whereby the employees participate in maintaining the pension fund, and further without having the attention of the entire State directed to this issue as a method affecting the entire Commonwealth.

I therefore urge the Legislature to undertake a detailed study of the general subject of pensions for town and city employees, under which any town or city with the consent of the majority of its electorate may provide pensions in conformity with a general law, and under safeguards prescribed by State authority.

EUGENE N. FOSS.

HOUSE 2219. To authorize the city of Boston to grant pensions to certain former members of its fire department. Based on H. 1113. *See Chapter 574 on p. 36.*

Old Age.

SENATE 233. Resolve to provide for the appointment of a commission to investigate the matter of an old-age pension system. Legal Affairs Com. reported leave to withdraw.

SENATE 274. To provide for old-age pensions. Legal Affairs Com. reported leave to withdraw.

HOUSE 355. To establish a system of old-age pensions. Legal Affairs Com. reported reference to next Legislature.

Police.

SENATE 525. Relative to the compensation of members of the reserve police force of the city of Fall River. Reported by Cities Com. on H. 2192. *See Chapter 693 on p. 57.*

SENATE 530. To authorize the city of Springfield to pension members of the police department, who are veterans of the civil war. Cities Com. reported reference to next Legislature.

HOUSE 558. To provide for the pensioning of members of the police department of the city of Fall River who are veterans of the civil war. Cities Com. reported leave to withdraw.

HOUSE 2192. Relative to the compensation of members of the reserve police force of the city of Fall River. Cities Com. reported S. 525.

Teachers.

HOUSE 171. Relative to the payment of pensions to persons who are annuitants of the Boston teachers' retirement fund association. Education Com. reported leave to withdraw.

HOUSE 929. Relative to the retirement on pensions of members of the teaching and supervising staff of the public schools of the city of Boston and of other persons in the employ of the school committee of said city. Education Com. reported leave to withdraw in part, and reported H. 2009 in part.

HOUSE 2009. To extend the time within which certain applications for pensions by teachers in the public schools of the city of Boston may be made. Based on H. 929; re-committed to Education Com. which reported new draft H. 2132.

HOUSE 2132. To extend the time within which certain applications for pensions may be made by teachers in the public schools of the city of Boston. New draft of H. 2009. *See Chapter 569 on p. 25.*

Veterans in Public Service.

SENATE 21. Relative to the retirement of certain veterans in the service of the city of Lynn. *See Chapter 55 on p. 5.*

SENATE 78. Relative to the retirement of certain veterans in the service of the Boston and Cambridge bridge commission. Cities Com. reported S. 404 on this bill and on S. 333.

SENATE 333. Relative to the retirement of certain veterans in the service of cities and towns. Cities Com. reported S. 404 on this bill and on S. 78.

SENATE 404. Relative to the retirement of certain veterans in the service of cities and towns. Based on S. 78 and S. 333. *See Chapter 447 on p. 16.*

HOUSE 284. Relative to the retirement of certain veterans in the service of the city of Cambridge. Cities Com.; passed by both branches; reconsidered and rejected by S.

HOUSE 1122. Relative to the retirement of certain veterans in the service of the city of Boston. *See Chapter 395 on p. 16.*

HOUSE 1331. Relative to the retirement of certain veterans in the service of the city of Salem. Cities Com. reported leave to withdraw.

Other Public Servants.

SENATE 95. Relative to the retirement fund for laborers employed by the city of Boston. Cities Com. reported leave to withdraw.

SENATE 109. Relative to pensioning officers of the municipal court of the city of Boston. Public Service Com. reported leave to withdraw.

SENATE 133. Relative to the retirement system for the employees of the Commonwealth. Legal Affairs Com. reported S. 360 on this bill and on S. 192 and H. 999.

SENATE 150. Relative to employees of a public institution of a city or town which has been taken over by the Commonwealth. Public Service Com. reported leave to withdraw.

SENATE 192. Relative to the retirement of certain employees of the Commonwealth. Legal Affairs Com. reported S. 360 on this bill and on S. 133 and H. 999.

SENATE 309. Relative to the pensioning of prison officers. Reported by Prisons Com. on H. 193; Ways and Means S. Com. reported new draft S. 362.

SENATE 360. Relative to the retirement system of the employees of the Commonwealth. Based on S. 133, S. 192, and H. 999; Ways and Means S. Com. reported new draft S. 377.

SENATE 362. To authorize the pensioning of certain veterans of the civil war who have retired from the prison service. New draft of S. 309; passed by S.; rejected by H.

SENATE 377. Relative to the retirement system of the employees of the Commonwealth. New draft of S. 360; passed by both branches. *See Chapter 363 on p. 9.*

SENATE 423. Relative to retiring and pensioning officers of the board of prison commissioners. Reported on H. 1063 by Public Service Com.; referred to Ways and Means S. Com.; amended; passed by S.; Ways and Means H. Com. reported ought to pass; rejected by H.

HOUSE 193. Resolve in favor of Charles E. F. Hayward. Prisons Com. reported S. 309 (a general act pensioning prison officers).

HOUSE 359. Relative to retirement funds for laborers employed by cities and towns. Cities Com. reported H. 1869 on this bill, on H. 554, and H. 705.

HOUSE 554. Relative to the retirement of laborers employed by cities and towns. Cities Com. reported H. 1869 on this bill, on H. 359, and H. 705.

HOUSE 631. Relative to the retirement and pensioning of prison officers and instructors. Public Service Com. reported leave to withdraw.

HOUSE 705. Relative to the retirement of employees of the city of Malden. Cities Com. reported H. 1869 on this bill, on H. 359, and H. 554.

HOUSE 777. To provide for part payment of pensions to the wives of pensioners in certain cases. Legal Affairs Com. reported reference to next Legislature.

HOUSE 852. Relative to computation of time of service of certain applicants for pensions from the Commonwealth. Public Service Com. reported leave to withdraw.

HOUSE 856. To provide pensions for the court officers of the Supreme Judicial Court and Superior Court of the Commonwealth. Public Service Com. reported leave to withdraw, then substituted bill for this report. Referred to Com. on Counties which reported ought to pass; Ways and Means H. Com. reported new draft H. 2240.

HOUSE 910. Relative to the retirement fund for laborers employed by the city of Boston. Cities Com. reported leave to withdraw.

HOUSE 916. Relative to a retirement fund for mechanics employed by the city of Boston. Cities Com. reported leave to withdraw.

HOUSE 999. To amend an act to establish a retirement system for the employees of the Commonwealth. Legal Affairs Com. reported S. 360 on this bill and on S. 133 and S. 192.

HOUSE 1063. Relative to retiring and pensioning officers of the board of prison commissioners. Public Service Com. reported S. 423.

HOUSE 1266. To provide for pensioning probation officers. Public Service Com. reported H. 1956.

HOUSE 1410. Relative to the pensions of certain county employees. Legal Affairs Com. reported leave to withdraw.

HOUSE 1412. Authorizing cities and towns to pension certain employees or persons dependent upon them. Legal Affairs Com. reported leave to withdraw.

HOUSE 1574. For the retirement of clerks of the Supreme Judicial Court and of the Superior Court. Public Service Com. reported leave to withdraw.

HOUSE 1869. Relative to pensioning laborers in the employ of cities and towns. Based on H. 359, H. 554, and H. 705. *See Chapter 503 on p. 19:*

HOUSE 1956. To provide for pensioning probation officers. Reported on H. 1266 by Com. on Public Service. Referred to Counties Com. which reported ought to pass; Com. on Bills in Third Reading substituted H. 2138.

HOUSE 2138. To provide for pensioning probation officers. Substituted for H. 1956. *See Chapter 723 on p. 63.*

HOUSE 2240. To provide pensions for the court officers of the Supreme Judicial Court and the Superior Court. New draft of H. 856. *See Chapter 722 on p. 61.*

Other.

HOUSE 182. To provide for the support of neglected and dependent children. Legal Affairs Com. reported H. 478 on this bill, on H. 302, H. 303, H. 478, H. 480, H. 773, and H. 774.

HOUSE 302. Relative to the support of certain indigent persons. Legal Affairs Com. reported H. 478 on this bill and others.

HOUSE 303. To establish a commission for the relief of indigent widows and orphans. Legal Affairs Com. reported H. 478 on this bill and others.

HOUSE 478. Resolve for the appointment of a commission to study the question of the support of widows with dependent minor children and to report as to the advisability of providing for contributions by the Commonwealth to such support. Reported by Legal Affairs Com. on H. 182, H. 302, H. 303, H. 478, H. 480, H. 773, and H. 774. Referred to Ways and Means H. Com. which reported new draft H. 1965. H. 478 substituted and referred to Com. on Bills in Third Reading which substituted H. 2090.

HOUSE 480. Relative to the support of certain children in their homes. Legal Affairs Com. reported H. 478 on this bill and others.

HOUSE 773. Relative to the support of certain dependent children. Legal Affairs Com. reported H. 478 on this bill and others.

HOUSE 774. Relative to the support of dependent children in their homes. Legal Affairs Com. reported H. 478 on this bill and others.

HOUSE 1965. Resolve to provide for the appointment of a commission to study the question of the support of dependent minor children of widowed mothers. New draft of H. 478 reported by Ways and Means H. Com.; H. 478 substituted.

HOUSE 2090. Resolve to provide for the appointment of a commission to study the question of the support of dependent minor children of widowed mothers. Substituted by Com. on Bills in Third Reading for H. 478. *See Chapter 82 (Resolves) on p. 67.*

WAGES.

SENATE 22. Resolve to provide for the appointment of a committee to investigate and report as to the wages of persons employed in manufacturing establishments in certain foreign countries and as to other matters relating to such wage-earners and to the cost of manufactured articles in such foreign countries. Labor Com. reported leave to withdraw; referred to Ways and Means S. Com. which reported reference to next Legislature.

SENATE 525. Relative to the compensation of members of the reserve police force of the city of Fall River. Reported by Cities Com. on H. 2192. *See Chapter 693 on p. 57.*

HOUSE 388. Relative to the wages of municipal employees. Labor Com. reported leave to withdraw.

HOUSE 389. Relative to the assignment of future earnings. Legal Affairs Com. reported leave to withdraw.

HOUSE 465. Relative to the attachment of real and personal property. Joint Judiciary Com. reported leave to withdraw.

HOUSE 557. Relative to the salaries of teachers of certain public schools in the city of Somerville. Cities Com. reported leave to withdraw.

HOUSE 782. Relative to the assignment of wages. Legal Affairs Com. reported leave to withdraw.

HOUSE 849. To increase the compensation of the porters at the State House. Public Service Com. reported leave to withdraw.

HOUSE 853. To establish the salaries of engineers and assistant engineers in State institutions. Public Service Com. reported leave to withdraw.

HOUSE 854. To establish the salaries of the inspectors of the boiler inspection department of the district police. Public Service Com. reported leave to withdraw.

HOUSE 1095. Establishing the minimum wage commission and providing for the determination of minimum wages for women and minors. Based on H. 1697 (report of the commission on minimum wage boards). Ways and Means H. Com. reported H. 2052.

HOUSE 1111. Relative to the compensation of certain members of the police department of the city of Boston. Cities Com. reported leave to withdraw.

HOUSE 1206. To regulate the assignment of wages. Legal Affairs Com. reported leave to withdraw.

HOUSE 1237. To prohibit discrimination against women employees in State bath houses. Metropolitan Affairs Com. Referred to Ways and Means H. Com. which reported H. 1953.

HOUSE 1526. Resolve to provide for additional copies of the report of the commission appointed to consider the advisability of establishing minimum wage boards. Chapter 24 (Resolves).

HOUSE 1953. To prohibit discrimination against women employees in State bath houses. Based on H. 1237. *See Chapter 683 on p. 57.*

HOUSE 2052. To establish the minimum wage commission and to provide for the determination of minimum wages for women and minors. Based on H. 1095. *See Chapter 706 on p. 58.*

HOUSE 2192. Relative to the compensation of members of the reserve police force of the city of Fall River. Cities Com. reported S. 525.

HOUSE 2263. Relative to the grading of stenographers and clerks in the service of the Commonwealth. Reported by Public Service Com. on H. 53 (report of the civil service commissioners). Referred to Ways and Means H. Com. which reported reference to next Legislature.

WOMAN LABOR.

SENATE 12. Relative to the hours of employment of women and minors. Labor Com. reported H. 535 on this bill and on H. 535.

HOUSE 251. To require the furnishing of seats for women and minors employed in mechanical and manufacturing establishments. Labor Com. reported H. 1639.

HOUSE 386. To prohibit the employment of women in core rooms or other parts of foundries, at forges or in and about quarries. Labor Com. reported H. 2151.

HOUSE 475. Relative to the hours of employment of women and minors. Labor Com. reported leave to withdraw.

HOUSE 535. Relative to the hours of employment of women and minors. Reported on S. 12 and H. 535 by Labor Com. *See Chapter 477 on p. 18.*

HOUSE 588. Relative to the employment of children and women in certain workshops connected with mercantile establishments. *See Chapter 452 on p. 17.*

HOUSE 615. Relative to the hours of labor of women and minors. Reported by Labor Com.; passed by S.; reconsidered; rejected.

HOUSE 730. To provide for the establishment and maintenance of evening classes in the practical arts for women. Education Com. reported H. 1678.

HOUSE 766. Relative to the hours of employment of women and girls in telephone offices. Labor Com. reported leave to withdraw.

HOUSE 1212. To restrict the serving of intoxicating liquors by women. Liquor Laws Com. reported leave to withdraw.

HOUSE 1237. To prohibit discrimination against women employees in State bath houses. Metropolitan Affairs Com. Referred to Ways and Means H. Com. which reported H. 1953.

HOUSE 1639. Relative to providing seats for women and minors in manufacturing, mechanical, and mercantile establishments. Reported by Labor Com. on H. 251; referred to Com. on Bills in Third Reading which substituted H. 1663.

HOUSE 1663. Relative to providing seats for women and minors in manufacturing, mechanical, and mercantile establishments. Substituted for H. 1639. *See Chapter 96 on p. 5.*

HOUSE 1678. To provide for the establishment and maintenance of evening classes in the practical arts for women. Based on H. 730. *See Chapter 106 on p. 5.*

HOUSE 1953. To prohibit discrimination against women employees in State bath houses. Based on H. 1237. *See Chapter 683 on p. 57.*

HOUSE 2151. To provide for regulating the employment of women in core rooms. Reported by Labor Com. on H. 386. *See H. 2246. See Chapter 653 on p. 55.*

HOUSE 2246. Resolve to provide for an investigation by the State board of health of the employment of women in core rooms. Moved to substitute for H. 2151; rejected by H.

MISCELLANEOUS BILLS AFFECTING LABOR.

SENATE 44. Resolutions relative to United States letter carriers and railway mail clerks. Federal Relations Com. reported ought not to be adopted. Referred to Com. on Bills in Third Reading which substituted H. 2038.

SENATE 79. To authorize cities and towns to appropriate money for supplying food or clothing to needy pupils in the public schools. Education Com. reported leave to withdraw; substituted S. 79 for this report; rejected by S.

SENATE 208. Relative to reorganizing the State board of conciliation and arbitration. Public Service Com. reported leave to withdraw.

SENATE 458. To establish a State board of labor and industries. Reported by Labor Com. on H. 385 and H. 1395. Referred to Ways and Means S. Com. which reported new draft S. 526.

SENATE 526. To establish a State board of labor and industries. New draft of S. 458. Referred to Ways and Means H. Com. which reported new draft H. 2338.

HOUSE 21. Relative to certain corrupt conduct on the part of agents and others. Joint Judiciary Com. reported H. 1898.

HOUSE 179. To prohibit discrimination in the sale of commodities. Joint Judiciary Com. reported reference to next Legislature; H. 179 substituted for this report. Referred to Com. on Bills in Third Reading which substituted H. 2247.

HOUSE 385. To establish a department of labor and to define the duties and powers thereof. Labor Com. reported S. 458 on this bill and on H. 1395.

HOUSE 503. Relative to the classification of laborers by the civil service commission. Public Service Com. reported leave to withdraw; H. 2160 substituted.

HOUSE 506. Relative to the transportation by street railway companies of pupils of business schools and business colleges. Street Railways Com. reported leave to withdraw.

HOUSE 562. Relative to a diet table for certain school children in the city of Boston. Education Com. reported leave to withdraw.

HOUSE 649. Relative to the giving of free passes and tickets by street railway companies. Street Railways Com. reported H. 2121 on this bill and on H. 1291.

HOUSE 728. Resolve to provide for an investigation by the State board of education as to the social and physical condition of certain school children. Education Com. reported leave to withdraw.

HOUSE 729. To authorize cities and towns to provide free meals for school children. Education Com. reported leave to withdraw; recommitted, rejected, reconsidered, passed by H.; rejected by S.

HOUSE 1045. Relative to the construction and occupation of tenement houses and other dwellings. Public Health Com. reported H. 2120.

HOUSE 1143. Relative to establishing a standard of education in the public schools. Education Com. reported leave to withdraw.

HOUSE 1144. Relative to the transportation expenses of children attending high schools in towns or cities other than those in which they reside. Education Com. reported H. 1946.

HOUSE 1291. To prohibit discrimination in street railway rates. Street Railways Com. reported H. 2121 on this bill and on H. 649.

HOUSE 1395. To establish a State board of labor, and to define the duties and powers thereof. Labor Com. reported S. 458 on this bill and on H. 385.

HOUSE 1416. Relative to the cleaning of hats on the Lord's Day. Legal Affairs Com. reported leave to withdraw.

HOUSE 1462. Relative to boarding houses and lodging houses used by laborers. Public Health Com. reported leave to withdraw.

HOUSE 1485. To regulate fares on street railways between the hours of five and eight in the forenoon and five and seven o'clock in the evening. Street Railways Com. reported leave to withdraw.

HOUSE 1527. Resolve to provide for an investigation of certain laws in New Zealand and the effects thereof. Labor Com. reported leave to withdraw.

HOUSE 1604. Relative to conserving and developing the natural resources of the New England States. Joint Ways and Means Com. reported reference to next Legislature.

HOUSE 1898. Relative to certain corrupt conduct on the part of agents and others. Based on H. 21. *See Chapter 495 on p. 19.*

HOUSE 1946. Resolve directing the board of education to investigate the transportation of pupils attending high schools in towns or cities other than those in which they reside. Reported by Education Com. on H. 1144. Chapter 39 (Resolves).

HOUSE 2038. Resolutions relative to employees in the postal service of the United States. Substituted for S. 44; rejected by H.

HOUSE 2120. Relative to the construction and occupation of tenement houses and other dwellings. Reported by Public Health Com. on H. 1045; recommitted and new draft H. 2166 reported.

HOUSE 2121. Relative to the giving of free passes and tickets by street railway companies. Reported by Street Railways Com. on H. 649 and H. 1291. Referred to Com. on Bills in Third Reading which substituted H. 2148.

HOUSE 2148. Relative to the giving of free passes and tickets by street railway companies within the Commonwealth. Substituted by Com. on Bills in Third Reading for H. 2121. Passed by H.; rejected by S.

HOUSE 2160. Relative to the classification of laborers by the civil service commission. Substituted for H. 503; rejected by H., 96 yeas, 98 nays.

HOUSE 2166. Relative to tenement houses in towns. New draft of H. 2120. *See Chapter 635 on p. 36.*

HOUSE 2247. To prohibit discrimination in the sale of commodities. Substituted for H. 179. *See Chapter 651 on p. 53.*

HOUSE 2338. To establish a State board of labor and industries. New draft of S. 526 reported by Ways and Means H. Com. *See Chapter 726 on p. 63.*

HOUSE 2369. To establish a State board of labor and industries. Reprint of H. 2338.

VI. OPINIONS OF THE JUSTICES OF THE SUPREME JUDICIAL COURT ON PENDING LEGISLATION.

1. THE MARKING OF PRISON-MADE GOODS (HOUSE 833).

On April 16, 1912, the following order was offered in the House:

Ordered, That the opinion of the Justices of the Supreme Judicial Court be required upon the following important question of law: Would the provisions of House Bill No. 833, entitled "An Act relative to the marking of goods made in penal institutions," be constitutional and legal if enacted into law?

Ordered, That copies of the said bill be sent to the Justices of the Supreme Judicial Court.

The following is a copy of the bill (House 833) sent to the Justices of the Supreme Judicial Court:

HOUSE DOCUMENT, No. 833.

AN ACT RELATIVE TO THE MARKING OF GOODS MADE IN PENAL INSTITUTIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. All goods, wares and merchandise made by convict labor in any prison, reformatory or jail in this or any other state in which convict labor is employed and imported, brought or introduced in the state of Massachusetts shall, before being exposed for sale, be branded, labelled or marked as hereinafter provided, and shall not be exposed for sale in any place within this state without such brand, label or mark.

SECTION 2. The brand, label or mark hereby required shall contain the words "convict made" followed by the year and the name of the prison, reformatory or jail in which it was made, in plain English lettering of the style known as primer Roman capitals. The brand, label or mark shall in all cases where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which said goods, wares or merchandise may be packed, shipped or exposed for sale. Such brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article, crate or covering.

SECTION 3. It shall not be lawful for any person or persons dealing in this state in any such convict-made goods, wares or merchandise, knowingly to have the same in his or her or their possession for purpose of sale or to offer the same for sale without the brand, label or mark required by this act, or to remove, conceal or deface such brand, mark or label.

SECTION 4. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars nor less than fifty dollars, or be imprisoned for a term not exceeding twelve months or by both fine and imprisonment.

SECTION 5. This act shall not apply to goods, wares and merchandise used by the commonwealth, or by any county or municipality therein, or by any public institution.

SECTION 6. This act shall take effect on the first day of January, nineteen hundred and thirteen.

The opinion of the justices of the Supreme Judicial Court was as follows:

To the Honorable the House of Representatives of the Commonwealth of Massachusetts:

We, the Justices of the Supreme Judicial Court, respectfully answer as follows the question propounded by the order of April 17, 1912, a copy of which is hereto annexed.

The bill, entitled "An Act relative to the Marking of Goods made in Penal Institutions," requires in express and unqualified terms that all goods, wares and mer-

chandise made by convict labor in a penal institution in this or any other State, before being offered for sale in this Commonwealth, shall be branded, labelled or marked in such a way as to indicate conspicuously the source of their manufacture. Compliance with its terms is enforced by heavy penalties. The bill applies in unmistakable language to interstate commerce. It describes specifically the manufactures made in "any other State . . . imported, brought or introduced in the State of Massachusetts." The purpose of the bill is directly to affect interstate commerce. Its aim in this respect is emphasized by certain provisions of Section 2, which obviously apply to shipments in the original package. Its terms, if complied with, would compel the branding, labelling or marking of every convict-made article brought into the Commonwealth for sale in ordinary trade.

The general principle is that under the Constitution of the United States no State can pass any law which impairs or restricts in any degree the freedom of interstate commerce. Many illustrations of its scope may be found in instances of efforts to require inspection, license to sell, registration to transport or identification by color. It has been applied to a great variety of articles, some of which, such as intoxicating liquors, had been declared by the policy of the particular State as harmful to the public safety, health and order. It has been repeatedly declared that the domain of interstate commerce is within the exclusive control of Congress and that no State under the guise of regulation, restriction or otherwise, can impose any direct burden upon it. This principle is subject to the limitation that laws passed by the several States in the exercise of the police power, general in their design and valid in their nature, will not be void because incidentally, and not primarily, they may affect interstate commerce. The bounds of the police power have not been defined. The most that courts have undertaken to do is to lay down certain broad propositions and leave each case to be decided as it arises. In a wide sense, and without undertaking to mark its limits, it may be said that the police power authorizes the enactment of statutes to promote the public health, safety and morals, and the necessary welfare of society. The present bill, in our opinion, goes beyond a lawful exercise of the police power in its direct effects upon interstate commerce. Protection of domestic laborers, manufacturers or merchants against the lawful competition from other States by means of discriminating regulations upon goods manufactured in other States, is an immediate interference with interstate commerce. The circumstance that goods made by convicts in this Commonwealth are included does not save the bill from primarily affecting commerce between the States. One who purchases prison-made goods in other States has a right as complete and extensive to sell them upon their own merits as he has to sell private-made goods of like nature.

Goods made by convicts are lawful subjects of commerce. This is recognized by the bill itself, which allows a free sale when marked. It is a restriction upon the freedom of trade in articles of legitimate business transactions to permit goods made in factories in other States to be sold freely in the market and to require goods like in every particular in all physical and commercial qualities, after being lawfully purchased in some other State, to be branded as "convict-made" before being offered for sale here. Plainly, the purport of the bill is to affect the availability and attractiveness in the market of the branded or labelled goods. There is nothing wrong in the nature of things in prison-made goods. The employment of those convicted of crime in healthful labor is recognized as a necessity of confinement, whether its end be punitive or reformatory. The learning of useful trades has been established by statute as a part of the policy of this Commonwealth in the discipline and improvement of those paying the penalty prescribed for the commission of crime. It is a part of intelligent humanitarianism in the treatment of those under sentence. Such goods are not unsanitary or so inferior in quality that their sale would constitute a fraud on the public. This is manifest from the bill, which in Section 5 excepts from

its terms goods, wares and merchandise used by the Commonwealth, or by any county or municipality therein, or by any public institution. It cannot be presumed that the general public needs a protection in these respects which is denied to instrumentalities of government and to benevolent, educational, and other charitable and public institutions. Differences in grade of workmanship, if there are any, would be as apparent without branding as in like products made in private shops. The bill is wholly different from the provisions of St. 1909, c. 514, §§ 106-111, which clearly are in the interest of the public health and do not relate to interstate commerce.

The result is that we feel constrained to advise that House Bill 833, if enacted, would be unconstitutional. This is the inevitable conclusion from doctrines announced and applied in judgments of the Supreme Court of the United States, by which we are bound. *Hall v. DeCuir*, 95 U. S. 485. *Robbins v. Shelby County Taxing District*, 120 U. S. 489. *Bowman v. Chicago & Northwestern Railway*, 125 U. S. 465. *Leisy v. Hardin*, 135 U. S. 100. *Collins v. New Hampshire*, 171 U. S. 30. *Rearick v. Pennsylvania*, 203 U. S. 507. *International Text Book Co. v. Pigg*, 217 U. S. 91. *Dozier v. Alabama*, 218 U. S. 124. *Louisville & Nashville Railroad v. F. W. Cook Brewing Co.*, 223 U. S. 70. *Plumley's case*, 156 Mass. 236; *S. C.* 155 U. S. 461. It is the precise point decided in *People v. Hawkins*, 157 N. Y. 1; *People v. Raynes*, 136 App. Div. (N. Y.) 417, affirmed in 198 N. Y. 539, 622. See also *Arnold v. Yanders*, 56 Ohio St. 417.

ARTHUR P. RUGG.
JAMES M. MORTON.
JOHN W. HAMMOND.
WILLIAM CALEB LORING.
HENRY K. BRALEY.
HENRY N. SHELDON.
CHARLES A. DE COURCY.

2. RELATIVE TO RELIEVING ASSOCIATIONS OF EMPLOYERS AND TRADE UNIONS FROM ACTIONS OF TORT (HOUSE 377).

On April 22, 1912, the following order was offered in the Senate:

Ordered, That the opinion of the Justices of the Supreme Judicial Court be required by the Senate upon the following question of law:—

Is an act of the Legislature constitutional which provides that an action shall not be entertained by any court against a trade union, or an association of employers, or against any members or officials thereof, in respect to a tortious act alleged to have been committed by or on behalf of a trade union or an association of employers?

And be it further ordered, That the Justices of the Supreme Judicial Court be informed that the foregoing question is propounded with a view to legislation upon the subject therein mentioned, and that, for their more particular information, a copy of House Document No. 377, being a bill accompanying a petition now pending in the Legislature and relating to the subject-matter concerning which the foregoing question is propounded, be transmitted to the justices.

The following is a copy of the bill (House 377) sent to the Justices of the Supreme Judicial Court:

HOUSE DOCUMENT, No. 377.

AN ACT TO RELIEVE ASSOCIATIONS OF EMPLOYERS AND TRADE UNIONS FROM ACTIONS OF TORT.

An action against a trade union or an association of employers or against any members or officials thereof on behalf of themselves and of other members of a trade union or asso-

ciation of employers in respect to a tortious act alleged to have been committed by or on behalf of a trade union or association of employers shall not be entertained by any court.

The opinion of the Justices of the Supreme Judicial Court was as follows:

To the Honorable Senate of the Commonwealth of Massachusetts:

We, the Justices of the Supreme Judicial Court, have considered the question upon which our opinion is required by the order of April 22, 1912, a copy of which is hereto annexed, and respectfully submit this opinion:

The Constitution of the United States in art. 14 of the Amendments expressly provides that: No State shall "deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." Absolute equality before the law is a fundamental principle of our own Constitution. Frequent expressions to this effect are found in various articles. For example, it is said that "All men are born free and equal"; that "Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws"; that "Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character"; and that the several departments of government are separated "to the end it may be a government of laws and not of men." Declaration of Rights, art. 1, 10, 11 and 30.

The proposed bill to exempt associations of employers and trade unions and their members and officials from actions of tort committed by or on behalf of such association or union is plainly contrary to these constitutional guaranties. It gives to certain favored ones, selected arbitrarily, immunity from that equal liability for civil wrongs which is a sign of equality between citizens and residents. It undertakes to clothe combinations of employers and laborers with special power denied to other employers and laborers and other members of society. In another aspect, it deprives all individuals and associations, other than those named, of the protection to safety, liberty and property which any free government must secure to its subjects. It takes from them the unhampered right to assert in the courts claims against all who tortiously assail their person and property and to recover judgment for the injuries done. It would prevent all persons from having recourse to law for vindication of rights or reparation for wrongs against the privileged few therein designated. It imposes upon some burdens of which others in like situation are relieved. It throws obstacles in the pathway of those outside unions or associations in the pursuit of their livelihood and in the prosecution of their business not interposed in the way of members of such organizations. It purposes to give to one class of wage-earners advantages withheld from others not belonging to a trade union who are engaged in the same kind of work and for the same employer. It frees one set of employers from obligations to which their competitors, who are independent of the association, are subjected. In short, it destroys equality and creates special privilege.

Manifestly, it needs no discussion and no further statement to demonstrate that legislation like that embodied in the bill would violate in many respects underlying principles and fundamental provisions of the Constitution of this Commonwealth and of the United States.

ARTHUR P. RUGG.

JAMES M. MORTON.

JOHN W. HAMMOND.

WILLIAM CALEB LORING.

HENRY K. BRALEY.

HENRY N. SHELDON.

CHARLES A. DE COURCY.

3. TO EXTEND AND DEFINE THE DUTIES OF THE HOMESTEAD COMMISSION (HOUSE 442).

On May 6, 1912, the following order was offered in the House:

Ordered, That the opinion of the Justices of the Supreme Judicial Court be required on the following important questions of law:—

First. Are the provisions of the Bill to extend and define the duties of the Homestead Commission, now pending in the House of Representatives, copies of which are submitted herewith, constitutional, and particularly are the provisions of section one of said bill constitutional?

Second. Would the provisions of said bill, and particularly the provisions of section one of said bill, be constitutional if the following amendment of section one, now pending in the House of Representatives, were adopted: Strike out, in lines five and six, the words "providing homes for mechanics, laborers or other wage-earners," and insert in place thereof the words "for the purpose of improving the public health by providing homes in the more thinly populated areas of the State for those who might otherwise live in the most congested areas of the State"?

The following is a copy of the bill (House 442) sent to the Justices of the Supreme Judicial Court:

HOUSE DOCUMENT, No. 442.

AN ACT TO EXTEND AND DEFINE THE DUTIES OF THE HOMESTEAD COMMISSION.

SECTION 1. The commission established by chapter six hundred and seven of the acts of nineteen hundred and eleven shall be authorized to purchase in the name of the Massachusetts homestead commission a tract or tracts of land for the purpose of providing homes for mechanics, laborers, or other wage-earners, and shall have authority to sub-divide, improve, build upon, lease, rent, sell, re-purchase, manage, and care for said tract or tracts and the buildings constructed thereon, in accordance with such terms and conditions as may be determined upon by the commission, due consideration being given to the proper laying out of streets, parks, garden areas, and buildings for recreation or other public purposes; and the commission shall make such regulations, restrictions, and reservations in contracts, leases, deeds, and otherwise as may be necessary for the protection of said tract or tracts from any objectionable use. Each person holding property under the jurisdiction of the commission shall be the owner of at least five shares of stock as herein-after provided for, before being permitted to occupy or acquire title to any of said real estate: *provided, however*, that the commission in exceptional cases may temporarily waive the aforesaid requirement as to ownership of stock prior to occupancy.

SECTION 2. The commission shall have authority to issue from time to time as may be required to carry out the purpose for which it is established, certificates representing shares of stock having a par value of ten dollars each, but the total amount of such shares outstanding at any one time shall not be in excess of the total amount loaned to the commission by the treasurer and receiver general of the commonwealth as provided for in section three of this act; and the commission may declare dividends on said stock from time to time based upon any net earnings over and above an amount sufficient to establish a contingent fund for the improvement of said property; and after the payment of interest, repairs and any assessments for water, sewer, sidewalk, street lighting, or other public purposes.

SECTION 3. The treasurer and receiver general is authorized to loan the commission from time to time such sums as it may certify to him in writing to be necessary to carry out the purposes of this act, except for the expenses incurred under section five, from the funds deposited by the savings banks in the treasury of the commonwealth under the provisions of section fifty-six of chapter five hundred and ninety of the acts of the year nineteen hundred and eight, and subject to the restrictions of said act; and the commission shall give notes or other evidences of indebtedness to the treasurer and receiver general for the

amounts so loaned by him, said notes to bear interest at the rate of three per cent' per annum, payable annually, and to mature not later than thirty years from the date of issue, the principal to be payable in annual instalments but in no case earlier than January one, nineteen hundred and eighteen; and said notes shall be a first lien upon all real estate standing in the name of the commission except such as may be released from time to time to any individual purchaser thereof, in which case an equivalent amount shall be paid into the treasury of the commonwealth. The amount of any note when paid may be re-loaned to the commission: *provided, however*, that the amount of all notes outstanding and unpaid at any one time shall not exceed three hundred thousand dollars.

SECTION 4. As soon as the number of occupants of any given tract of land under the jurisdiction of the commission who are holders of certificates, as provided for by section two, shall, in the judgment of the commission, be sufficient for the purpose, the commission shall call a meeting of said occupants for the formation of an association to promote their common interests. Subject to the approval of the commission, said association may adopt by-laws and make regulations in regard to the care and protection of the property; but nothing in this act shall be construed as permitting any by-laws or regulations contrary to the general laws of the commonwealth. Each member of such association shall be entitled to but one vote.

SECTION 5. The commission is authorized to make investigations and studies of plans already in operation or contemplated elsewhere for housing wage-earners, and to publish information intended to promote its work. The commission shall make an annual report to the legislature not later than the first Wednesday in January, covering its operations during the fiscal year ending on the preceding thirtieth of November. The members of the commission shall not be individually responsible for any debts incurred under the provisions of this act in the name of the commission, nor shall any member profit by the transactions of the commission; and they shall be paid such compensation as may be allowed by the governor and council, the same to be in addition to any amounts that may be paid them for services rendered in other departments. The commission is authorized to expend for clerical and other assistants and for contingent purposes such amounts as the legislature may annually appropriate to meet the expenditures authorized by this section.

SECTION 6. This act shall take effect upon its passage.

The opinion of the Justices of the Supreme Judicial Court was as follows:

To the Honorable the House of Representatives of the Commonwealth of Massachusetts:

The undersigned Justices of the Supreme Judicial Court have considered the questions submitted to them, a copy of which is hereto annexed, and answer as follows:

The questions relate to the constitutionality of a bill entitled "An Act to extend and define the Duties of the Homestead Commission." The general scheme embodied in the proposed bill is that the Commonwealth shall purchase land, and develop, build upon, rent, manage, sell and re-purchase the same. The Homestead Commission is clothed with the fullest power to go into the business of buying, renting and selling real estate. As expressed in the bill, its purpose is to provide homes "for mechanics, laborers, or other wage-earners," or as suggested by the amendment set forth in the second question, to improve "the public health by providing homes in the more thinly populated areas of the State for those who might otherwise live in the most congested areas of the State." In a constitutional sense the difference between these two statements of purpose is not material in view of the actual provisions of the bill. The substance of it is that the Commonwealth is to go into the business of furnishing homes for people who have money enough to pay rent and ultimately to become purchasers. It is not a plan for pauper relief. The question is whether this is a public use.

To this fundamental test must be brought all governmental activity in every system based upon reason rather than force. The dominating design of a statute requiring the use of public funds must be the promotion of public interests and not the furtherance of the advantage of individuals. However beneficial in a general or

popular sense it may be that private interests should prosper and thus incidentally serve the public, the expenditure of public money to this end is not justified. Government aid to manufacturing enterprises, the development of water powers and other natural resources by private persons or corporations with public funds, either through loans or by the more indirect method of exemption from taxation or taking of stock, have been universally condemned by courts throughout the country, although often attempted by legislation. The leading case is *Lowell v. Boston*, 111 Mass. 454, where a statute was considered authorizing the city of Boston to issue bonds for the raising of money to be lent to owners of real estate whose buildings had been destroyed in the devastation wrought by the Boston fire of 1872. This statement of the law by Mr. Justice Wells, at p. 461, hardly can be surpassed for accuracy and clearness: "The promotion of the interests of individuals, either in respect of property or business, although it may result incidentally in the advancement of the public welfare, is, in its essential character, a private and not a public object. However certain and great the resulting good to the general public, it does not, by reason of its comparative importance, cease to be incidental. The incidental advantage to the public or to the State, which results from the promotion of private interests, and the prosperity of private enterprises or business, does not justify their aid by the use of public money raised by taxation, or for which taxation may become necessary. It is the essential character of the direct object of the expenditure which must determine its validity, as justifying a tax, and not the magnitude of the interests to be affected, nor the degree to which the general advantage of the community, and thus the public welfare, may be ultimately benefited by their promotion." This principle has been applied to a great variety of cases. It was amplified with a full citation of authorities in *Opinion of the Justices*, 204 Mass. 607.

The question, in its last analysis, is one of taxation. Can the Commonwealth raise money by taxation for the purposes set forth in the act?

Taxation is the ultimate question notwithstanding the provisions of Section 3, which authorize the treasurer and receiver-general to lend to the commission, from funds deposited in the treasury of the Commonwealth by the savings banks under St. 1908, c. 590, § 56. This statute requires payment to the treasurer of the Commonwealth of all deposits in savings banks whose owners are unknown, which have remained untouched for thirty years. The constitutionality of this statute was upheld in *Attorney-General v. Provident Institution for Savings*, 201 Mass. 23; S. C. 221. U. S. 660, on the express ground that the money is to be held and used by the Commonwealth "in recognition of the rights of the owner, and of the necessity of repaying it to him, with interest, when he establishes his lawful right thereto. The Commonwealth, under the statute, becomes a kind of trustee for the owner." These funds belong to a large number of persons. It may be that some never will be reclaimed, while undoubtedly some of them will be demanded. This bill does not contemplate a mere investment of funds in such form that they may be available for payment to the real owner when he appears. On the contrary its manifest purpose is a permanent investment not subject to repayment in any form for at least six years, and thereafter only by instalments. It does not appear how large the savings bank deposit is, nor is that material. The Commonwealth holds the entire fund as trustee and must be ready to pay it to the owners on demand. So far as the Commonwealth by a permanent investment renders itself unable to make such repayment on demand, it must be ready to repay out of other funds. But these can be raised only by taxation. In any event, therefore, the question is one of taxation. It is too obvious for discussion that the proposed loan is not an investment on any theory of trusteeship, which courts are bound to administer. *Dickinson, appellant*, 152 Mass. 184. *Brigham v. Morgan*, 185 Mass. 27. While these rules may not bind the Legislature in dealing with trust funds held by the State, a wide divergence from them stamps the act as an appropriation

and not as an investment. Nor can it be said that this is an investment on the ground that such funds may not be claimed. This would be contrary to the principle on which the constitutionality of the statute was upheld and under which the Commonwealth obtained possession of the money. It would be treating the money in substance as escheated. Even if it were escheated it then would be money in the treasury freed from any trust. Such money, however, is public money and can be appropriated only to public uses. It can no more be diverted for private benefit than can money raised by taxation. *Simmons v. Hanover*, 23 Pick. 188. *Allen v. Marion*, 11 Allen, 108.

Taxation is somewhat historical in its nature and can be most intelligently approached by comparison of those subjects which have been held to be a public use and those which have been held not to be a public use. It is not now open to question that the establishment and maintenance of water and sewerage systems and electric light and gas plants are public uses. They relate to commodities which are or have become universally necessary, and they cannot be procured by each individual or family acting separately, but require co-operation. As a practical matter provision for these necessities is monopolistic in character, and having due regard to the reasonable convenience of the public, there can be no competition respecting them. The permanently exclusive use of portions of the public ways is essential to the effective furnishing of these necessities. Highways are public in their nature, and their construction and repair are legitimate public expenses. Hence they cannot be appropriated to any use which is private. These necessities cannot be provided without the exercise of powers conferred only by the Legislature, and commonly require the exercise of eminent domain. Although water and artificial light are in a certain sense beneficial to individuals, their public functions are so overshadowing as to stamp them as proper subjects for state or municipal ownership. *Opinion of the Justices*, 150 Mass. 592.

On the other hand it was said in *Opinions of the Justices*, in 1893, 155 Mass. 598, and again in 1903, 182 Mass. 605, that it was beyond the power of the Legislature to authorize cities and towns to engage in the business of furnishing coal or fuel to the public. The economic aspects of conducting business of this character through public instrumentalities are not for our consideration. Such a system is not possible under our Constitution. The grounds upon which these opinions were founded are that such enterprises are conducted by individuals. They are universally recognized as legitimate and proper fields for private and personal adventure. No legislative authority is required to engage in them, and no powers derived from that source are needed for their prosecution. It is a natural right subject only to regulation by the police power. A person lawfully engaged in such business cannot be driven out by taxation to support his rival even though that rival be an arm of government.

The questions of the present order are closely analogous to those raised by the order of the Honorable House considered in *Opinion of the Justices*, 204 Mass. 607. It was said there in substance that it was not within the power of the Legislature to authorize the taking of land outside the limits of streets for the purpose of being leased or sold under such restrictions as would insure proper development of industrial and commercial facilities. Such purpose was said to be primarily for the aggrandizement of individuals and only incidentally for the promotion of the public weal. We are unable to distinguish the purchase, development, rental and sale of land in the manner provided by the present bill from the principles announced in these decisions and opinions and many others collected and somewhat reviewed in 204 Mass. 607.

Buying and selling land always has been freely exercised by all individuals who desired, under the Constitution. Proprietorship of his own home has been one of the chief elements of strength in the citizen, and widely diffused land ownership has conferred stability upon the State. It is matter of common knowledge that thousands

of inhabitants of the Commonwealth who are "mechanics, laborers or other wage-earners" have become, through industry, temperance and frugality, owners of the homes in which they dwell. These proprietors, however humble may be their houses, cannot be taxed for the purpose of enabling the State to aid others in acquiring a home whose temperament, environment or habits have heretofore prevented them from attaining a like position. Although eminent domain differs from taxation in the occasion and manner of its exercise, it rests for its justification upon the same basic principle of public necessity. If this be held to be a public purpose, it would be lawful to authorize the commission to exercise the power of eminent domain. This would mean that the home of one wage-earner might be taken by the power of the Commonwealth for the purpose of handing it over to another wage-earner. Neither the power of taxation nor of eminent domain goes to this extent. If the purpose is a public one, the property of every inhabitant, however improved or used, must yield to the superior right. But if the end to be gained is not public, no one can be compelled to contribute under either form of governmental power.

Ownership of a bit of land is one of the deep seated desires of mankind. The property resting on such proprietorship is among the dearest rights in the minds of many people secured by the Constitution. If the power exists in the Legislature to take a tract of land away from one owner for the purpose of enabling another to get the same tract, the whole subject of such ownership becomes a matter of legislative determination and not of constitutional right.

Experiments in other lands, where the people have established either no bounds or fragile ones to the absolutism of governmental powers by a written constitution, afford no guide in the determination of what our Constitution permits.

It may be urged that the measure is aimed at mitigating the evils of overcrowded tenements and unhealthy slums. These evils are a proper subject for the exercise of the police power. Through the enactment of building ordinances, regulations and inspection as to housing and provision for light and air lies a broad field for the suppression of mischiefs of this kind.

For these reasons the Justices of the Supreme Judicial Court (with the exception of Mr. Justice Loring, whom there has been no opportunity to consult) respectfully answer both questions in the negative.

ARTHUR P. RUGG.
JAMES M. MORTON.
JOHN W. HAMMOND.
HENRY K. BRALEY.
HENRY N. SHELDON.
CHARLES A. DE COURCY.

VII. RECOMMENDATIONS OF THE BOARD OF RAILROAD COMMISSIONERS WITH RESPECT TO THE MANNING OF FREIGHT TRAINS.

Public hearings were held on the order of the Senate of May 13, 1912 (see *ante*, page 85, House Bill, No. 638), and after investigation and further consideration, the Board recommended to the managements of railroads operating in this Commonwealth:

(1) That all freight trains operated on main line tracks, and all freight trains operated on branch tracks for a distance of five miles or more, shall be provided with at least two brakemen.

(2) That all freight trains propelled by two locomotives for a distance of 10 or more miles, shall be provided with at least three brakemen.

(3) That all freight trains while using the opposite main track for the purpose of allowing trains to pass, or for the purpose of setting out and taking in cars, where a brakeman is required to protect the opposite track, shall be provided with at least three brakemen.

(4) That all light engines operated for

a distance of 10 or more miles shall be provided with a brakeman.

It is not the intention of the Board that the foregoing recommendations shall be construed to apply to cases of emergency as may from time to time arise in the operation of the railroad.

September 3, 1912, is hereby fixed as the time when the foregoing recommendations shall become effective, and the Board reserves the right to revise the same should occasion require.

For the Board,

(Signed) ALLAN BROOKS,
Assistant Clerk.

THE LABOR BULLETIN.

The following is a descriptive list of all labor bulletins issued by this Bureau. Those numbers preceded by an asterisk (*) are out of print. All other numbers listed below will be forwarded to applicants upon receipt of 5 cents to cover the cost of mailing.

- *No. 1, January, 1897. Pay of City Laborers — Savings in Massachusetts.
- *No. 2, April, 1897. Strikes and Lockouts, 1887-1894 — Prison Industries in Massachusetts — The Cotton Industry — A Tramp Census.
- *No. 3, July, 1897. Hours of Labor — Model Houses — Arbitration and Conciliation — Comparative Wages and Earnings.
- *No. 4, October, 1897. Wages under Contracts for Public Work — The Baltimore and Ohio Relief Department — Accidents to Employees in Massachusetts.
- *No. 5, January, 1898. Cotton Manufacturing in Massachusetts — Home Ownership in Massachusetts.
- *No. 6, April, 1898. Wealth Accumulation Through Life Insurance — The Legislation of 1897 Relating to Hours of Labor, and to the Employment of Women and Children — Quarterly Report on Employment and Earnings.
- *No. 7, July, 1898. The Improvement of the Slums in London — The Productive Age.
- *No. 8, October, 1898. Hours of Labor in Domestic Service — The Objections to Domestic Service.
- *No. 9, January, 1899. Comparative Position of Boston Wages, 1870-1898 — German and French Progress in Weaving — The Aims of Trades Unions in England — The Maintenance of the Standard of Living.
- No. 10, April, 1899. Labor Legislation of 1898 — Trade Unionism in Massachusetts Prior to 1880 — Contracts with Workmen upon Public Work — Foreign Labor Disturbances in 1897.
- *No. 11, July, 1899. Certain Tenement Conditions in Boston.
- *No. 12, October, 1899. A Study of Charity Statistics.
- *No. 13, February, 1900. Social Conditions in Domestic Service — Employment and Unemployment in the Textile Industries — The Collateral Legacy and Succession Tax.
- No. 14, May, 1900. Free Public Employment Offices — Unemployment in the Boot and Shoe and Paper Industries — Legislation Affecting Hours of Labor, 1899.
- No. 15, August, 1900. Household Expenses — Comparative Occupation Statistics for the Cities of Fall River, New Bedford, and Taunton — Subjects Pertaining to Labor Considered in the Latest Reports of American Statistical Bureaus — Massachusetts Labor Legislation in 1900.
- *No. 16, November, 1900. Persons Employed in Massachusetts Industries — Three Leading Massachusetts Professions — Recent Immigration at the Port of Boston.
- *No. 17, February, 1901. Occupations of Residents of Boston — Unemployment in Boston Building Trades — Conjugal Condition of Women Employed in Restaurants — Comparative Earnings in Five Leading Industries — Resident Pupils in Public and Private Schools in Boston.
- *No. 18, May, 1901. Social Statistics of Workingwomen — Residential Conditions of Women and Girls Employed in Trade and Manufactures.
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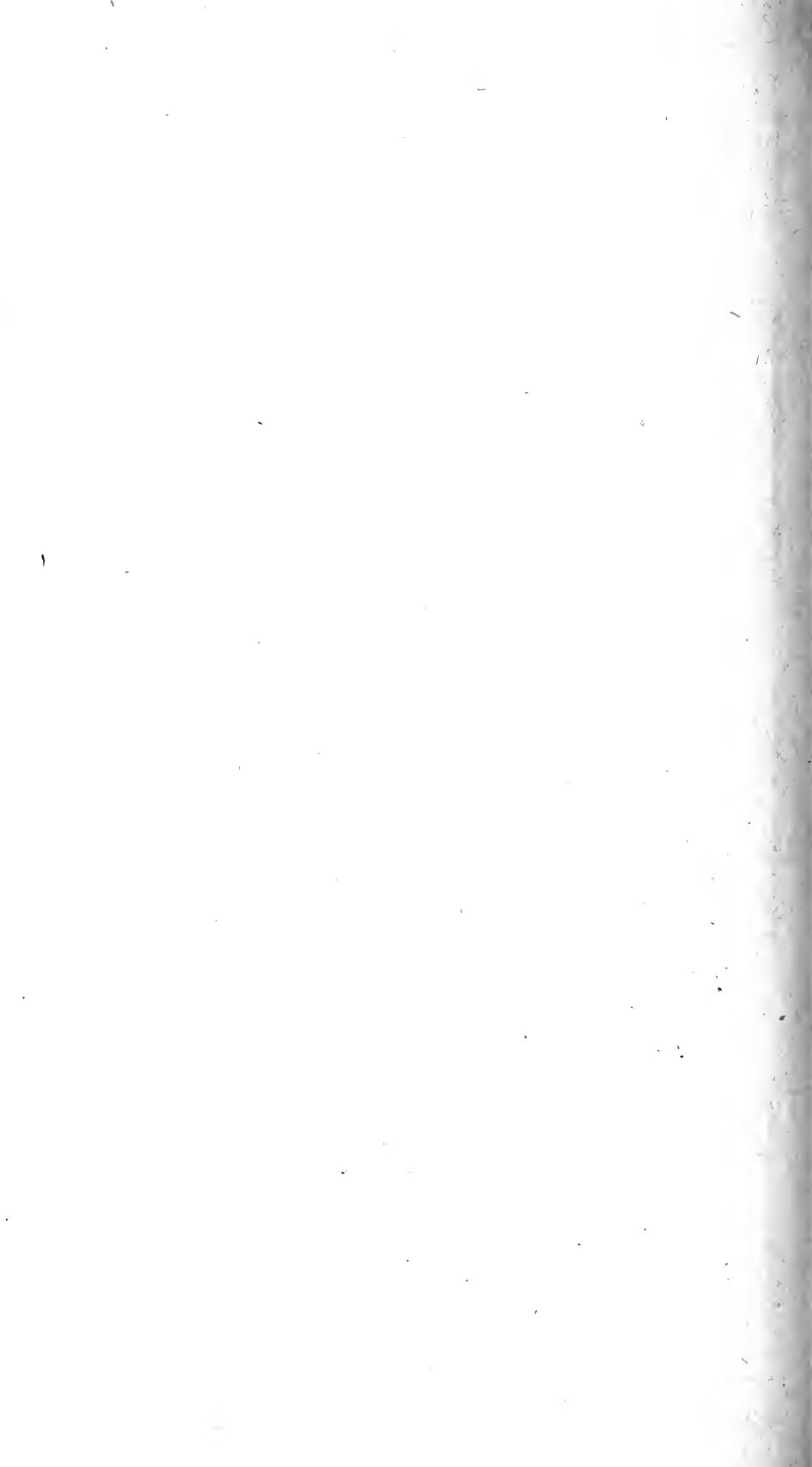
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B. P. L. Bindery.
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